

# **Exhibit 23**

1 IN THE UNITED STATES DISTRICT COURT  
 2 FOR THE SOUTHERN DISTRICT OF NEW YORK  
 3  
 4 MARK I. SOKOLOW, et al.,  
 5 Plaintiffs,  
 6 v. Civil Action No.  
 7 THE PALESTINE LIBERATION 04cv397(GBD)(RLE)  
 8 ORGANIZATION, et al.,  
 9 Defendants.

14 DEPOSITION OF ALON EVIATAR

15 JERUSALEM, ISRAEL

16 OCTOBER 22, 2013

25 REPORTED BY: AMY R. KATZ, RPR

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1 APPEARANCES (Continued):  
 2 ALSO PRESENT:  
 3 RINA NE'EMAN, Official Hebrew Interpreter  
 4 SARIT AFRIAT, Check Hebrew Interpreter  
 5 RACHEL WEISER, Esq.  
 6 DINA ROVNER, Advocate  
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1 Deposition of ALON EVIATAR, taken in the  
 2 above-entitled cause pending in the United States  
 3 District Court, for the Southern District of New York,  
 4 pursuant to notice, before AMY R. KATZ, RPR, at the  
 5 American Colony Hotel, Executive Room, First Floor,  
 6 Jerusalem, Israel, on Tuesday, the 22nd day of October,  
 7 2013, at 9:04 a.m.  
 8  
 9

10 APPEARANCES:

11 FOR PLAINTIFFS:

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1 I N D E X

2 WITNESS

3 Alon Eviatar

5 EXAMINATION

6 By Mr. Hill

PAGE

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10 D E F E N D A N T S ' E X H I B I T S

11 NUMBER	12 DESCRIPTION	13 MARKED
12 Exhibit 420	13 Document Entitled "Expert 14 Report of Alon Eviatar," 15 Dated June 14, 2013 (No Bates Number)	9
14 Exhibit 421	15 Copy of Signed Signature 16 Page, Dated June 14, 2013 (No Bates Number)	11
16 Exhibit 422	17 Document Entitled "Expert 18 Report of Israel Shrenzel 19 in Sokolow v. Palestinian 20 Authority, Case No. 04-397 (S.D.N.Y.)," Dated April 10, 21 2013 (No Bates Number)	37
20 Exhibit 423	21 Document Entitled "Expert 22 Report of Alon Eviatar," 23 with Red-Lined Text, 24 Dated June 14, 2013 (No Bates Number)	42

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<u>DEFENDANTS' EXHIBITS</u>		
NUMBER	DESCRIPTION	MARKED
Exhibit 424	Article, The Associated Press, Entitled "At Least Seven Killed, Many Wounded in Bomb Blast at Hebrew University Cafeteria," Dated July 31, 2002 (No Bates Number)	63
Exhibit 425	Website Article, Unispal, Entitled "Chronological Review of Events Relating to the Question of Palestine," Dated August 31, 2001 (No Bates Number)	66
Exhibit 426	Document Entitled "Expert Report of Ronni Shaked," Dated April 10, 2013 (No Bates Number)	78
Exhibit 427	Document Entitled "Expert Rebuttal Report of Alon Eviatar," Dated September 16, 2013 (No Bates Number)	149
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<u>PROCEEDINGS</u>	
(The following section of the proceedings was conducted only in English, unless otherwise indicated, and until page 8.)	
MR. YALOWITZ: Before we begin, I just want to reiterate, we've advised the defendants that there's a section of Mr. Eviatar's expert report that we're withdrawing. It's the part of the report dealing with the interrogations.	
RINA NE'EMAN, the Official Hebrew Interpreter, was duly affirmed to translate from English to Hebrew and from Hebrew to English.	
ALON EVIATAR, called as a witness, being first duly affirmed, was examined and testified as hereinafter set forth.	
MR. HILL: The record should reflect that that was not interpreted.	
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<u>QUESTIONS INSTRUCTED</u>		
<u>NOT TO ANSWER</u>		
PAGE	LINE	
43	19	
43	23	
44	2	
44	6	
44	22	
45	15	
45	19	
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47	20	
53	11	
55	1	
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<u>EXAMINATION</u>	
BY MR. HILL:	
Q. Do you speak English?	
A. Yes, I speak English.	
Q. Do you have any difficulty understanding me?	
A. Sometimes. I prefer in Hebrew.	
Q. Have you been educated in the English language, sir?	
A. Yes.	
MR. YALOWITZ: Let her interpret for you.	
THE WITNESS: Okay.	
(The following section of the proceedings was conducted through the Official Hebrew Interpreter, unless otherwise indicated.)	
Q. BY MR. HILL: Do you feel like you need an interpreter to understand the questions and answers today?	
A. Yes.	
Q. Then we will proceed with the interpreter, sir. If at any point during the course of the day you think there's been a misinterpretation, please do let us know. Okay?	
A. (In English.) Okay.	
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1 Q. State your name.  
 2 A. Alon Eviatar.  
 3 Q. Of what country or countries are you a  
 4 citizen?  
 5 A. Israel.  
 6 Q. Have you ever been a citizen of any other  
 7 country?  
 8 A. No.  
 9 Q. What's your address?  
 10 A. I live in the town of Maccabim, on Nahal  
 11 Kissufim Street.  
 12 Q. Do you live in a settlement?  
 13 A. No.  
 14 Q. Is your home within the 1948 borders of  
 15 Israel?  
 16 A. I do not know.  
 17 Q. Are you familiar with something called the  
 18 Green Line?  
 19 A. I'm familiar with it.  
 20 Q. Is your home east or west of the Green Line?  
 21 A. To the best of my knowledge, it's to the  
 22 west of the Green Line.  
 23 MR. HILL: Let's mark this as 420.  
 24 (Defendants' Exhibit 420 marked.)  
 25 Q. BY MR. HILL: Mr. Eviatar, I'm handing you  
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1 Q. That's not a true statement, is it?  
 2 A. The intent of that sentence is from my work  
 3 with the Israel Security Agency.  
 4 Q. Okay. You never worked at the Israel Security  
 5 Agency, did you?  
 6 A. No.  
 7 Q. That sentence doesn't say "my work with the  
 8 Israel Security Agency," does it?  
 9 A. Correct.  
 10 Q. Are you familiar with the difference between  
 11 the word "at" and "with" in the English language?  
 12 A. Yes.  
 13 MR. HILL: Let's mark this as Exhibit 421.  
 14 (Defendants' Exhibit 421 marked.)  
 15 Q. BY MR. HILL: I'm showing you what we've  
 16 marked as Exhibit 421.  
 17 Have you ever seen this before?  
 18 A. (Examining.) Yes.  
 19 Q. Is that your signature?  
 20 A. Yes.  
 21 Q. When did you sign it?  
 22 A. On the date that appears there.  
 23 Q. You're saying you signed this on June 14th,  
 24 2013?  
 25 A. To the best of my recollection, yes.  
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1 what we've marked as Defendants' Exhibit 420.  
 2 Have you ever seen this document before?  
 3 A. (Examining.) Yes.  
 4 Q. Turn to the last page.  
 5 Is that your name?  
 6 A. Yes.  
 7 Q. Are you prepared to sign this document  
 8 under oath and penalty of perjury under the laws  
 9 of the United States today?  
 10 A. Yes.  
 11 Q. Is everything in this document true and  
 12 correct?  
 13 A. Yes.  
 14 Q. How do you know?  
 15 A. I am a full partner in the drafting of  
 16 this report. This report is my report, and I stand  
 17 behind every sentence that's included in this report.  
 18 Q. Turn to page 17. Look at paragraph 1 on  
 19 page 17. The first sentence says:  
 20 "While I have not personally been involved  
 21 in the interrogation of terrorists, I am familiar  
 22 with such interrogations from, inter alia, my work  
 23 at the Israel Security Agency."  
 24 Do you see that?  
 25 A. I see that.  
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1 Q. When did you deliver that signature to the  
 2 plaintiffs' lawyers in this case?  
 3 A. At the moment that my counsel advised me  
 4 or requested that I do so.  
 5 Q. Did you review all of Exhibit 420 before  
 6 you signed Exhibit 421?  
 7 A. Yes.  
 8 Q. Did you understand it?  
 9 A. Yes.  
 10 Q. You did not write Exhibit 420; correct?  
 11 A. That is not correct.  
 12 Q. Are you saying you wrote Exhibit 420, the  
 13 report that's in front of me?  
 14 A. I wrote part of it.  
 15 Q. Somebody else wrote part of it, too; right?  
 16 A. Correct.  
 17 Q. Who wrote the part that you didn't write?  
 18 A. Ronni Shaked.  
 19 Q. How do you know that?  
 20 A. My counsel told me that.  
 21 Q. Have you ever spoken to Mr. Shaked?  
 22 A. Yes.  
 23 Q. Did you talk to him about this report?  
 24 A. Yes.  
 25 Q. When?  
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1 A. After I received the report from my counsel.  
2 Q. Did you ever start to write your own report?  
3 A. Yes.  
4 Q. What happened to that document?  
5 A. The report that I wrote was the rebuttal.  
6 Q. So when did you first -- when were you first  
7 asked to prepare a report in this case?  
8 A. I was requested to read this report and to  
9 make amendments to it.  
10 Q. So no one ever asked you to write a report  
11 in May of 2013; correct?  
12 A. Correct.  
13 Q. Who told you to take Ronni Shaked's report  
14 and make amendments to it?  
15 A. My attorney.  
16 Q. What was the name of that person?  
17 A. Nitsana Darshan-Leitner.  
18 Q. When did you first speak to Nitsana  
19 Darshan-Leitner about being an expert witness in  
20 this case?  
21 A. She spoke to me in the month of May.  
22 Q. What date?  
23 A. I do not recall.  
24 Q. Do you have any way of telling me which  
25 week in May this was?

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1 A. In April of this year.  
2 Q. What was your last day as an IDF officer?  
3 A. On the 11th of April.  
4 Q. Did you speak to Mr. Spitzen about being  
5 an expert witness prior to leaving the IDF on the  
6 11th of April?  
7 A. No, I did not.  
8 Q. Apart from Mr. Spitzen and  
9 Ms. Darshan-Leitner, who else have you spoken  
10 to about being a witness in this case?  
11 A. Nobody.  
12 Q. Did you speak to Mr. Shaked about that  
13 subject?  
14 A. I spoke to Shaked about the report after  
15 Nitsana had spoken with me.  
16 Q. So tell me the names of everyone you've  
17 ever spoken to about being a witness in this case.  
18 A. Nitsana Darshan-Leitner, Arie Spitz, and  
19 Ronni Shaked, and my wife.  
20 Q. Have you ever spoken to Mr. Yalowitz about  
21 this case prior to today?  
22 A. Yes.  
23 Q. When did you first speak to him?  
24 A. In the month of August.  
25 Q. Sir, do you understand that you're under

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1 A. I cannot know that at this time.  
2 Q. Did anyone speak to you about being an  
3 expert in this case prior to the conversation in  
4 May with Ms. Darshan-Leitner?  
5 A. Somebody spoke to me about this report  
6 or about this work. It was a person by the name  
7 of Arie Spitz.  
8 Q. When did Mr. Spitzen speak to you about  
9 this work?  
10 A. Before Nitsana approached me about it.  
11 Q. Did Mr. Spitzen speak to you in the month  
12 of May, or was it before that?  
13 A. I recall that it was in the month of May.  
14 Q. Do you recall which week in the month of  
15 May Mr. Spitzen spoke to you about being an expert?  
16 A. No, I do not.  
17 Q. Did you know Mr. Spitzen before he spoke  
18 to you about this subject in May of this year?  
19 A. Yes.  
20 Q. How long have you known him?  
21 A. Fifteen years.  
22 Q. Is this the first time he's ever talked to  
23 you about being a witness in a lawsuit?  
24 A. Yes.  
25 Q. When did you stop working for the IDF?

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1 an obligation to answer questions fully and truthfully?  
2 A. Definitely.  
3 Q. Are you having any difficulty understanding  
4 the Hebrew that's being interpreted?  
5 A. No.  
6 Q. Do you understand that I previously asked  
7 you to tell me the names of everyone you had spoken  
8 to about being a witness in this case?  
9 A. Now I understand.  
10 Q. Well, just so there's no misunderstanding  
11 going forward, whenever I ask you a question, you  
12 are under an obligation to give me a full and complete  
13 and truthful answer.  
14 Do you understand, sir?  
15 MR. YALOWITZ: I object. You know this  
16 witness has been very cooperative. And for you to  
17 insinuate that he's withholding something is an outrage.  
18 I won't stand for it.  
19 MR. HILL: All right. Let's have the question  
20 interpreted, and we'll go on.  
21 THE WITNESS: Yes.  
22 Q. BY MR. HILL: Now, tell me the names of  
23 everyone you have spoken to about being a witness  
24 in this case.  
25 MR. YALOWITZ: Objection. Asked and answered.

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1 Q. BY MR. HILL: Go ahead and answer.  
2 A. Advocate Yalowitz. An attorney by the  
3 name of Phil, the attorneys named Rachel and Dina,  
4 an attorney by the name of Mordechai. And with my  
5 parents in very general terms.  
6 Q. Turn to page 2 of Exhibit 420. The last  
7 sentence on that page says:  
8 "In addition, in preparing my report, I  
9 reviewed, inter alia, the documents listed below."  
10 Do you see that, sir?  
11 A. Yes.  
12 Q. And then there is a list of Bates numbers  
13 that continues on to the next page; right?  
14 A. Yes.  
15 Q. Do you understand what Bates numbers are, sir?  
16 A. The number has no significance as far as I  
17 am concerned.  
18 Q. Do you understand that these Bates numbers  
19 represent pages of documents?  
20 A. That, yes.  
21 Q. Prior to signing Exhibit 421, how many pages  
22 of documents did you review in connection with this  
23 case?  
24 A. Thousands.  
25 Q. How many thousands?

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1 out a large portion of the documents.  
2 Q. You printed them out on a printer at home?  
3 A. During the course of the preparation, yes.  
4 Q. How many packets of paper did it take to  
5 print out the documents you printed out?  
6 A. I did not count them.  
7 Q. Did you have to go to the store and buy a  
8 box of paper to print out all these documents?  
9 A. Yes.  
10 Q. How many boxes of paper did you buy?  
11 A. I think two.  
12 Q. And how many pieces of paper were in each  
13 box that you bought?  
14 A. I know that every package has 200 sheets.  
15 Q. Approximately how many packages of paper  
16 did you need to print out the documents you had?  
17 A. I estimate that it was between five and ten  
18 packs.  
19 Q. Did you print out all of the documents that  
20 the plaintiffs' lawyers had provided to you?  
21 A. No.  
22 Q. How did you decide which ones to print?  
23 A. There's no real decision behind that.  
24 Q. You just randomly selected pages to print out?  
25 Is that what you're saying, sir?

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1 A. I do not know.  
2 Q. How did you review these documents?  
3 A. I read them.  
4 Q. In what form did you read them?  
5 A. In the original.  
6 Q. Did you review them in paper or on computer?  
7 A. Both.  
8 Q. How many pages of paper documents did you  
9 review prior to signing Exhibit 421?  
10 A. Hundreds.  
11 Q. Approximately how high was the stack of paper  
12 documents you reviewed prior to signing Exhibit 421?  
13 A. There were several piles.  
14 Q. All together, how tall were they?  
15 A. I do not know.  
16 Q. Would they be taller than you?  
17 A. I do not think so.  
18 Q. Would they be taller than your knees?  
19 A. Perhaps.  
20 Q. Taller than your waist?  
21 A. Perhaps.  
22 Q. Were these documents in boxes?  
23 A. No.  
24 Q. How did you get them?  
25 A. By way of the computer, and I also printed

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1 A. I didn't select pages. I just printed what  
2 was more convenient for me to work with on hard copy.  
3 Q. And how did you make the decision about what  
4 would be more convenient to work with on hard copy?  
5 A. On the basis of the nature of the text.  
6 Q. Tell me what criteria you used to determine  
7 which texts you would print out.  
8 A. Where I could see better, and also in terms  
9 of the comfort level of the work.  
10 Q. What do you mean by the "comfort level of  
11 the work"?  
12 A. For example, whether I want to make notes  
13 on the paper.  
14 Q. Did you, in fact, make notes on some of the  
15 paper?  
16 A. Yes.  
17 Q. Do you still have these notes today?  
18 A. No.  
19 Q. What did you do with them?  
20 A. The drafts I shredded.  
21 Q. When you say "the drafts," what are you  
22 referring to?  
23 A. For example, a document that I printed off  
24 the Internet, that could be in part some have the Bates  
25 numbers and in part not have Bates numbers; I read it,

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1 I wrote down, made notes, whatever I wanted to for my  
2 own purposes. And I did not make any further use of it.

3 Q. Did you consider the notes you had made in  
4 preparing your opinions in this case?

5 A. Only if they were relevant.

6 Q. Did anyone tell you that you needed to save  
7 relevant documents that you considered in preparing your  
8 opinions in the case?

9 A. Yes.

10 Q. And are you saying that you did not save  
11 those relevant notes that you made in the course of  
12 the case?

13 MR. YALOWITZ: Objection.

14 THE WITNESS: All of the documents that are  
15 relevant to the case have been retained.

16 Q. BY MR. HILL: So you still have some notes  
17 today that are relevant to the case?

18 A. No.

19 Q. Did you at one time have notes that were  
20 relevant to the case?

21 A. Yes.

22 Q. And where are those notes today?

23 A. They are all in binders at Nitsana's office.

24 Q. Have any of the relevant notes you made been  
25 destroyed, to your knowledge?

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1 can you identify any other footnotes that you wrote  
2 that Mr. Shaked did not?

3 A. I will try to recall.

4 Q. Please do.

5 A. Footnote 86 and footnote 87.

6 Q. Any others?

7 A. Footnote 100. I believe that also -- I  
8 think also footnote 118. I think also the last one,  
9 the next-to-last one, footnote 155. There were more  
10 of them. I cannot recall at this time.

11 Q. Have you now told me about all of the  
12 footnotes that you can presently recall that you believe  
13 that you wrote and Mr. Shaked did not?

14 A. That's what I remember.

15 Q. Before you signed Exhibit 421, did you  
16 look at all the documents that are referenced in  
17 the footnotes of Exhibit 420?

18 A. Yes.

19 Q. Where did you get them?

20 A. Most of them I received via computer.

21 Q. From whom?

22 A. From the attorneys and from Ronni Shaked.

23 Q. Did you consider any documents in your review  
24 of Exhibit 420 that are not cited in Exhibit 420?

25 A. I did not understand the question.

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1 A. No.

2 Q. The exhibit which we've marked as 420 has  
3 176 footnotes; right?

4 A. Correct.

5 Q. And those footnotes were written by  
6 Mr. Shaked; right?

7 A. Most of them.

8 Q. Which ones did you write?

9 A. I don't recall exactly at this moment.

10 Q. Can you identify a single footnote in  
11 Exhibit 420 that you wrote that Mr. Shaked did not?

12 A. I can.

13 Q. Which one?

14 A. For example, footnote 163.

15 Q. Can you identify any other footnotes in  
16 Exhibit 420 that you wrote and Mr. Shaked did not?

17 CHECK INTERPRETER AFRIAT: Exhibit 420.

18 OFFICIAL INTERPRETER NE'EMAN: In Exhibit 420.  
19 Thank you.

20 THE WITNESS: Yes.

21 Q. BY MR. HILL: Tell me all the footnotes  
22 you can identify in Exhibit 420 that you wrote and  
23 Mr. Shaked did not.

24 A. For example, footnote 85.

25 Q. Apart from footnote 85 and footnote 163,

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1 Q. In working on Exhibit 420, which you have  
2 in front of you, did you review any documents that  
3 ended up not being cited or referred to in Exhibit 420?

4 A. Yes.

5 Q. Did you consider the content of those  
6 documents when deciding whether to sign Exhibit 420?

7 A. Yes.

8 Q. Where are those documents today?

9 A. They're still on my computer.

10 Q. If I was to ask the plaintiffs' lawyers to  
11 get those documents for me, where would they have to  
12 look?

13 A. I read hundreds of documents on the Internet,  
14 and that's where they are, on the websites themselves.

15 Q. Did you make a record of the hundreds of  
16 documents on the Internet that you considered in  
17 reviewing Exhibit 420?

18 A. The only list is that which is relevant  
19 to this document.

20 Q. Okay. That's not what I asked you, sir.

21 You said that you reviewed hundreds of  
22 documents on the Internet while you were in the  
23 process of reviewing Exhibit 420 in order to sign it;  
24 correct?

25 A. Correct.

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1 Q. Did you make a list of those documents that  
 2 you reviewed on the Internet that are not cited in  
 3 Exhibit 420?  
 4 A. No.  
 5 Q. Did you put copies of those documents  
 6 that you reviewed on the Internet in connection  
 7 with Exhibit 420 that aren't cited in the report  
 8 in a computer file?  
 9 A. No.  
 10 Q. Did you print out hard copies of those  
 11 documents you reviewed on the Internet in connection  
 12 with Exhibit 420 but did not cite in Exhibit 420?  
 13 A. Some of them.  
 14 Q. Where are those documents today?  
 15 A. I don't have them.  
 16 Q. You printed them out and then threw them away?  
 17 A. Yes.  
 18 Q. Would you agree with me, sir, that if  
 19 I wanted to look at what you looked at on the  
 20 Internet in connection with preparing Exhibit 420,  
 21 it's impossible for me to look at the same materials?  
 22 A. I don't understand the question exactly.  
 23 Q. Mr. Eviatar, if I wanted to look at the  
 24 same collection of materials that you looked at in  
 25 connection with Exhibit 420, would you agree that

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1 And I checked them one by one.  
 2 Q. Is there a record of the amendments that  
 3 you made in Hebrew to Mr. Shaked's report?  
 4 A. Yes.  
 5 Q. Do you have that?  
 6 A. Yes.  
 7 Q. Where is it?  
 8 A. It's on my computer, and the attorneys have  
 9 it.  
 10 Q. In what form did you make these amendments?  
 11 A. On the computer.  
 12 Q. Were you working in a red line, as we say?  
 13 A. Yes.  
 14 Q. You understand that term to mean computer  
 15 "track changes"?  
 16 A. Yes.  
 17 Q. How many "track changes" in Hebrew do you  
 18 believe you sent to the lawyers in the case?  
 19 A. Many dozens.  
 20 Q. Is this the first time you've been involved  
 21 in the preparation of an English-language document?  
 22 A. No.  
 23 Q. In what other contexts have you prepared  
 24 English-language documents?  
 25 A. Within the framework of my responsibilities

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1 there's no way we can reconstruct that group of  
 2 materials?  
 3 A. I agree.  
 4 Q. Did you ever review a translation of  
 5 Exhibit 420?  
 6 A. Yes.  
 7 Q. Do you have a copy of the translation you  
 8 reviewed?  
 9 A. No.  
 10 Q. Do you know if anyone does?  
 11 A. The translation is the report that was  
 12 written in Hebrew with amendments.  
 13 Q. When you made amendments, did you make  
 14 them in Hebrew or in English?  
 15 A. In Hebrew.  
 16 Q. Did you sign a Hebrew version of the report?  
 17 A. No.  
 18 Q. Do you know whether the changes you made  
 19 in Hebrew are reflected in the English document which  
 20 is Exhibit 420?  
 21 A. Yes.  
 22 Q. How do you know?  
 23 A. Within the framework of the work that I  
 24 did together with the attorneys, the amendments that  
 25 I sent in Hebrew came back translated into English.

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1 in the military.  
 2 Q. Within the framework of your responsibilities  
 3 in the military, did you ever have to prepare an 80-page  
 4 English document?  
 5 A. No.  
 6 Q. What's the longest English-language document  
 7 you ever prepared within your framework as a military  
 8 officer in the IDF?  
 9 A. Dozens of pages.  
 10 Q. Are you being paid for your work in this case?  
 11 A. Yes.  
 12 Q. Do you have an hourly rate?  
 13 A. Yes.  
 14 Q. What is it?  
 15 A. \$100.  
 16 Q. Have you submitted any invoices or bills  
 17 to the plaintiffs' lawyer for your work in this case?  
 18 A. Yes.  
 19 Q. When did you submit that?  
 20 A. Approximately one week ago.  
 21 Q. Have you submitted only one invoice?  
 22 A. Yes.  
 23 Q. Approximately how many hours did you bill  
 24 the plaintiffs' lawyers for work prior to signing  
 25 Exhibit 421?

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1 A. I believe it was approximately 180 hours.  
 2 Q. And how many hours in total have you billed  
 3 the plaintiffs for through last week?  
 4 A. I don't recall.  
 5 Q. Have you been paid?  
 6 A. Not yet.  
 7 Q. What was the total amount of your bill?  
 8 A. I don't recall precisely.  
 9 Q. Do you recall generally?  
 10 A. Yes.  
 11 Q. What's your general recollection of how  
 12 much you billed?  
 13 A. To date, I believe that it's approximately  
 14 \$35,000.  
 15 Q. How much money did you make the last year  
 16 you worked as an IDF officer?  
 17 MR. YALOWITZ: Bear with me one second.  
 18 (Pause in the proceedings.)  
 19 MR. YALOWITZ: All right. Go ahead.  
 20 THE WITNESS: Annual or monthly? I did  
 21 not understand.  
 22 Q. BY MR. HILL: How about monthly?  
 23 A. Close to 40,000 Israeli shekels.  
 24 Q. And have you done any other work since you  
 25 retired in April of this year?

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1 A. I gave one lecture.  
 2 Q. Did you get paid for that?  
 3 A. Yes.  
 4 Q. How much did you get paid for the lecture?  
 5 A. 1,300 shekel.  
 6 Q. Apart from the lecture and your work in  
 7 this case, do you have another job?  
 8 A. I am supposed to start another job.  
 9 Q. When are you going to start your new job?  
 10 A. In January.  
 11 Q. Who will be your employer?  
 12 A. A municipality.  
 13 Q. And what will your salary be in your new job?  
 14 A. 1,300 shekels per lecture.  
 15 Q. So you're going to be lecturing for a  
 16 municipality beginning in January?  
 17 A. Yes.  
 18 Q. Which municipality?  
 19 A. Pardes Hanna.  
 20 Q. And how frequently do you anticipate  
 21 lecturing?  
 22 A. Once a week.  
 23 Q. Will you be teaching a class?  
 24 A. I am going to be giving a course.  
 25 Q. What course?

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1 A. "The Israeli/Palestinian Conflict."  
 2 Q. And who will be the audience for these  
 3 lectures?  
 4 A. Residents of the town.  
 5 Q. Will the residents of the town who attend  
 6 your lectures be getting course credit at any  
 7 institution?  
 8 A. I do not know.  
 9 Q. How long is your lecture series anticipated  
 10 to last?  
 11 A. It's currently planned to last until the end  
 12 of April.  
 13 Q. The lecture you've already given, who was  
 14 that for?  
 15 A. The same group.  
 16 Q. Prior to being asked to work as an expert  
 17 in this case, had you ever heard of Shurat HaDin?  
 18 A. I heard of it.  
 19 Q. When had you first heard of them?  
 20 A. Over the course of the past few years.  
 21 Q. How did you first hear of Shurat HaDin?  
 22 A. In the media.  
 23 Q. When was the first time you met anyone  
 24 associated with Shurat HaDin, as far as you know?  
 25 A. What do you mean by "associated with"?

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1 Q. Anybody who works for Shurat HaDin.  
 2 A. I know Arie Spitz, who works for them.  
 3 Q. How long have you known Arie Spitz worked  
 4 for Shurat HaDin?  
 5 A. I don't know exactly.  
 6 Q. You knew he worked for Shurat HaDin before  
 7 he approached you about being a witness in the case;  
 8 right?  
 9 A. Yes.  
 10 Q. What's your best recollection of when you  
 11 first learned that Mr. Spitz worked with Shurat HaDin?  
 12 A. I think it was in 2012.  
 13 Q. And in what context did he tell you that he  
 14 was working with Shurat HaDin?  
 15 A. He told me, generally speaking, what he was  
 16 doing.  
 17 Q. Did you talk with him in 2012 about being  
 18 a witness in a Shurat HaDin case?  
 19 A. No.  
 20 Q. Apart from Mr. Spitz, when was the next  
 21 occasion when you met someone associated with Shurat  
 22 HaDin?  
 23 A. When I met with Ronni Shaked.  
 24 Q. When was that?  
 25 A. I think it was in the month of May.

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1 Q. Are you aware that Nitsana Darshan-Leitner  
2 has said in the past that, in the early years, Shurat  
3 HaDin took direction from the government of Israel  
4 on which cases to pursue?

5 A. No.

6 Q. Do you know if this lawsuit is one of  
7 the lawsuits that the government of Israel directed  
8 Shurat HaDin to bring?

9 MR. YALOWITZ: Object to the form.

10 Go ahead and answer.

11 THE WITNESS: No.

12 Q. BY MR. HILL: Do you know who within the  
13 government of Israel may have directed Shurat HaDin  
14 to bring lawsuits?

15 MR. YALOWITZ: Object to the form.

16 Go ahead and answer.

17 THE WITNESS: No.

18 Q. BY MR. HILL: You're also working with  
19 Shurat HaDin on other lawsuits; right?

20 A. Yes.

21 Q. How many other cases are you working for  
22 Shurat HaDin in connection with?

23 A. One.

24 Q. What's the name of that case?

25 A. Gilmore.

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1 scope of 17 hours and is in the amount of \$1,700.

2 Q. Apart from the work that we've already  
3 discussed that you've done for Shurat HaDin and  
4 Mr. Spitzen, have you done any other work for any  
5 of the people that you've spoken to in connection  
6 with Exhibit 420?

7 A. No.

8 Q. Have you been asked to do any work for any  
9 of those people, other than what we've already talked  
10 about?

11 A. No.

12 Q. Do you know someone named Israel Shrenzel?

13 A. Yes.

14 Q. How do you know Mr. Shrenzel?

15 A. I met him within the framework of my work  
16 for Shurat HaDin.

17 Q. So is there anyone else that you've met  
18 within the framework of your work for Shurat HaDin  
19 that you haven't told me about yet?

20 A. No.

21 Q. Did you know Mr. Shrenzel before you met  
22 him in the context of your work for Shurat HaDin?

23 A. No.

24 Q. Did you speak to him before you signed  
25 Exhibit 421?

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1 Q. And have you submitted a bill for your work  
2 in the Gilmore case?

3 A. No.

4 Q. What rate are you charging for your work  
5 in that case?

6 A. \$100 per hour.

7 Q. And approximately how many hours of work  
8 have you done for Shurat HaDin on the Gilmore case?

9 A. Approximately 100 hours.

10 Q. Has Shurat HaDin asked you to do any work  
11 other than work on this case and the Gilmore case?

12 A. No.

13 Q. Setting aside whether it was Shurat HaDin,  
14 has anyone associated with Shurat HaDin asked you to  
15 do any other work?

16 A. I performed one small project for Arie  
17 Spitzen.

18 Q. Okay. And did you get paid for that project?

19 A. No.

20 Q. Are you expecting to get paid for that  
21 project?

22 A. Certainly.

23 Q. How much do you expect to be paid for that  
24 project?

25 A. My request for payment includes work in the

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1 A. I told him "hi." I said "hello" to him.

2 Q. Any other conversations before you signed  
3 Exhibit 421, other than saying "hello"?

4 A. No.

5 MR. YALOWITZ: I think we've been going  
6 more than an hour, and I suspect some in the group  
7 might appreciate a break.

8 MR. HILL: Let me ask about three more  
9 questions on this line, and we'll finish up.

10 MR. YALOWITZ: I think somebody in the  
11 room would appreciate a break. I think we should  
12 take a break.

13 Q. BY MR. HILL: Have you spoken to --

14 MR. YALOWITZ: When your witnesses asked  
15 for a break or when you asked for a break, I said  
16 "sure." I didn't say we'll wait more time. I think  
17 you should extend the same courtesy.

18 MR. HILL: Well, I have like three more  
19 questions. Counsel, if you don't mind, I'll close  
20 out this line, and we can move on.

21 Q. BY MR. HILL: (Not translated.) Have you  
22 spoken to Mr. Shrenzel after you signed Exhibit 421?

23 (Comment in Hebrew by the witness.)

24 (Court reporter clarification.)

25 MR. ROCHON: It wasn't translated.

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1 MR. HILL: The question was: Had you  
2 spoken to Mr. Shrenzel after you signed the report?  
3 He answered in English "no." And Mr. Rochon said  
4 it wasn't translated.  
5 MR. YALOWITZ: He said "lo." He didn't say  
6 "no."  
7 OFFICIAL INTERPRETER NE'EMAN: Tell me when  
8 you're ready for me to interpret.  
9 MR. HILL: I don't think it's necessary.  
10 All right. We'll take a break.  
11 (Recess from 10:12 a.m. to 10:25 a.m.)  
12 Q. BY MR. HILL: Did you speak to Mr. Shrenzel  
13 about his report before you signed Exhibit 421?  
14 A. No.  
15 MR. HILL: Mark this as Exhibit 422.  
16 (Defendants' Exhibit 422 marked.)  
17 Q. BY MR. HILL: Mr. Eviatar, I'm showing you  
18 what we've marked as Exhibit 422, which is a document  
19 entitled:  
20 "Expert Report of Israel Shrenzel in Sokolow  
21 versus Palestinian Authority, Case No. 04-397."  
22 Have you ever seen this before?  
23 A. (Examining.) No.  
24 Q. Lay Exhibit 422 side by side with Exhibit 420,  
25 if you would, please. If you could, align the pages

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1 so that the last paragraph of Exhibit 420 is next to  
2 the fourth paragraph of Exhibit 422.  
3 A. The last one in 420, next to?  
4 Q. On the first page of each document, align  
5 the last paragraph of 420 with the fourth paragraph  
6 of 422.  
7 Do you have the two documents side by side,  
8 sir?  
9 A. Yes.  
10 Q. Look, if you will, at 420, the last paragraph  
11 on the first page. The third sentence of that paragraph  
12 says:  
13 "In that position, I was responsible (among  
14 other things) for supervising the work of IDF research  
15 and assessment personnel in various fields relating to  
16 Palestinian affairs, drafting and presenting research  
17 and policy papers concerning Palestinian affairs, and  
18 appearing before and providing briefings to senior  
19 governmental and military forums regarding Palestinian  
20 affairs."  
21 And that's in the exhibit that you eventually  
22 signed; right?  
23 A. Yes.  
24 Q. Then look at Exhibit 422 and look at the  
25 fourth paragraph on the first page.

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1 Do you see that the third paragraph, the  
2 third sentence of that paragraph, contains exactly  
3 the same language I just read to you, except that in  
4 420 it says "IDF" and in 422 it says "GSS"?  
5 A. I see that.  
6 Q. Do you see, sir, that the next sentence on  
7 420 says:  
8 "I supervised approximately 50 people."  
9 A. I see that.  
10 Q. And on Exhibit 422, it says:  
11 "I supervised approximately 15 to 20 people."  
12 Do you see that?  
13 A. Yes.  
14 Q. And would you agree with me that the last  
15 sentence of the paragraph we've been looking at on  
16 420 and 422 both say:  
17 "I also provided numerous briefings about  
18 Palestinian affairs, in Israel, to foreign officials."  
19 A. Yes.  
20 Q. There is a slight difference in that in 422  
21 it also says "and abroad"; right?  
22 A. Correct.  
23 Q. The next paragraph in 420 says:  
24 "In the course of my services in the IDF,  
25 I received and read many thousands of intelligence

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1 items - including raw intelligence data obtained  
2 from electronic and human sources, as well as analyses  
3 and summaries compiled from such raw data, many of which  
4 my team prepared under my supervision - relating to the  
5 activities of the Palestinian Authority (the 'PA'), the  
6 Palestine Liberation Organization (the 'PLO'), and the  
7 full range of Palestinian groups, organizations,  
8 institutions, and personalities."  
9 Do you see that, sir?  
10 A. Yes.  
11 Q. And you would agree with me that the exact  
12 same language appears in the fifth paragraph on the  
13 first page of Exhibit 422, except that in Exhibit 422  
14 it says "GSS" instead of "IDF"?  
15 Right?  
16 A. I would like to examine that.  
17 (Examining.) Yes.  
18 Q. Do the sentences that we've just read together  
19 have the same author?  
20 A. No.  
21 Q. Who wrote the sentences that we've just read  
22 in Exhibit 420?  
23 A. I did.  
24 Q. Is it your testimony that no one other than  
25 you wrote the sentences we've just read aloud together

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1 in Exhibit 420?  
 2 A. Yes.  
 3 Q. Can you explain how the sentences that you  
 4 wrote on Exhibit 420 are so close to the sentences that  
 5 appear on Exhibit 422?  
 6 A. I do not know.  
 7 Q. Turn, if you will, to the last page of  
 8 Exhibit 422.  
 9 Do you see that that page is dated April 10th,  
 10 2013?  
 11 A. Yes.  
 12 Q. Turn to the last page of Exhibit 420.  
 13 Do you see how that page is dated June 14th,  
 14 2013?  
 15 A. Yes.  
 16 Q. Look at Exhibit 421.  
 17 That's the document that has your signature  
 18 on it; right?  
 19 A. Yes.  
 20 Q. And you've previously testified that you  
 21 signed that document on or about June 14th, 2013; right?  
 22 A. Correct.  
 23 Q. Do you have any explanation for how  
 24 Mr. Shrenzel, in a report dated April of this year,  
 25 could have chosen almost exactly the same language

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1 as the language you claim to have written in June  
 2 of this year?  
 3 A. I have no idea.  
 4 (Defendants' Exhibit 423 marked.)  
 5 Q. BY MR. HILL: Mr. Eviatar, I'm handing you  
 6 what we've marked as Defendants' Exhibit 423.  
 7 Have you seen this document before?  
 8 A. (Examining.) Yes.  
 9 Q. What is this document?  
 10 A. This is my report.  
 11 Q. Turn, if you will, to page 17 of Exhibit 423,  
 12 and lay that page side by side, if you would, to page 17  
 13 of Exhibit 420.  
 14 Do you see, sir, that in paragraph 1 on  
 15 page 17 of Exhibit 423, certain text has been struck  
 16 through?  
 17 A. Yes.  
 18 Q. And in particular, the text that has been  
 19 struck through reads:  
 20 "From, inter alia, my work at the Israel  
 21 Security Agency."  
 22 Correct?  
 23 A. Yes.  
 24 Q. And we have been told by plaintiffs' counsel  
 25 that this is a corrected version of your report.

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1 Is this, in fact, a corrected version of  
 2 your report?  
 3 A. That is quite correct.  
 4 Q. Whose idea was it to strike the text on  
 5 page 17?  
 6 A. Mine.  
 7 Q. And you wished to have that information  
 8 struck because it was not true; correct?  
 9 A. Correct.  
 10 Q. Was that something you overlooked when you  
 11 were working on Exhibit 420 in June?  
 12 A. I noticed it and I corrected it. I don't  
 13 recall when I corrected it.  
 14 Q. Now, at the beginning of our time together  
 15 today, Mr. Yalowitz indicated that the portion of  
 16 Exhibit 420 that starts under "III," which is called  
 17 "Part Two," has been withdrawn; correct?  
 18 A. Correct.  
 19 Q. Why has that been withdrawn?  
 20 MR. YALOWITZ: Objection. Instruction not  
 21 to answer. Attorney work product.  
 22 Don't answer the question.  
 23 Q. BY MR. HILL: Was it your idea to withdraw  
 24 that section?  
 25 MR. YALOWITZ: Objection. Instruction not

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1 to answer. Attorney work product.  
 2 Q. BY MR. HILL: Why did you wait until yesterday  
 3 to withdraw that section?  
 4 MR. YALOWITZ: Objection. Instruction not  
 5 to answer. Attorney work product.  
 6 Q. BY MR. HILL: When did you first have a  
 7 conversation with plaintiffs' counsel about whether  
 8 to withdraw this section?  
 9 MR. YALOWITZ: Objection. Instruction not  
 10 to answer. Attorney work product.  
 11 MR. HILL: I don't want to debate with you,  
 12 Counsel, but I don't think the timing of the discussion  
 13 would be privileged. Would you reconsider your  
 14 instruction?  
 15 MR. YALOWITZ: I'll reflect on it. I'll  
 16 step out.  
 17 MR. HILL: You want to take a break? Sure.  
 18 (Recess from 10:47 a.m. to 10:48 a.m.)  
 19 MR. YALOWITZ: Back on the record. We've  
 20 taken a moment to reflect, and on reflection, we're  
 21 going to stand on the instruction.  
 22 Q. BY MR. HILL: Which lawyers for the plaintiffs  
 23 did you communicate with about potentially withdrawing  
 24 "Part Two," regarding terrorist interrogations?  
 25 MR. YALOWITZ: Objection. Instruction not

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1 to answer. Attorney work product.

2 Q. BY MR. HILL: Was anyone present other

3 than plaintiffs' counsel when you communicated

4 with them about potentially withdrawing "Part Two,"

5 entitled "Terrorist Interrogations," from Exhibit 420?

6 MR. YALOWITZ: You can answer.

7 THE WITNESS: No.

8 Q. BY MR. HILL: What were the names of

9 the plaintiffs' counsel that were present at that

10 communication?

11 A. Mr. Yalowitz and the lawyer named Dina.

12 Q. Where did that communication with Dina and

13 Mr. Yalowitz take place?

14 A. On the computer.

15 Q. When approximately did you have that computer

16 communication with Mr. Yalowitz and Dina?

17 MR. YALOWITZ: Objection. Instruction not

18 to answer. Attorney work product.

19 Q. BY MR. YALOWITZ: Did you have a communication

20 with Mr. Yalowitz or Dina about that subject prior to

21 September 16, 2013?

22 MR. YALOWITZ: Objection. Instruction not

23 to answer. Attorney work product.

24 MR. HILL: Again, I don't want to debate

25 with you, Counsel. But you're taking the position

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1 that the date of the communication is itself covered

2 by the protection?

3 MR. YALOWITZ: We're standing on the

4 instruction. We did pause and reflect on it, as

5 you requested.

6 MR. HILL: Okay. I disagree, but we'll

7 let the magistrate sort out that issue.

8 Q. BY MR. HILL: (Not translated.) Apart

9 from that computer communication about potentially

10 withdrawing the section which is "III," entitled

11 "Part Two - Terrorist Interrogations," from the

12 report which has been marked as Exhibit 420, have

13 you had any other communications about that subject?

14 MR. YALOWITZ: I'm sorry. Can I have the

15 question back?

16 (Pending question read.)

17 MR. YALOWITZ: Okay.

18 (Pending question translated.)

19 THE WITNESS: Yes.

20 Q. BY MR. HILL: With who else have you had

21 communications about that subject?

22 A. Nobody else.

23 Q. On how many occasions have you communicated

24 with Mr. Yalowitz and Dina about that subject?

25 A. One.

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1 Q. So there have been a total of two

2 communications about this subject over the computer;

3 is that correct?

4 A. On the computer, one communication.

5 Q. Has there been an in-person communication

6 about this as well?

7 A. Yes.

8 Q. Where did that in-person communication take

9 place?

10 A. At the offices of Shurat HaDin.

11 Q. Who was present for this communication?

12 A. Mr. Yalowitz and the attorney named Dina.

13 Q. Anyone else?

14 A. Perhaps the attorney named Phil.

15 Q. Anyone else?

16 A. No.

17 Q. And what date was the in-person communication?

18 MR. YALOWITZ: Objection. Instruction not

19 to answer. Attorney work product.

20 Q. BY MR. HILL: Was the in-person communication

21 before or after the computer communication you have

22 described?

23 MR. YALOWITZ: Objection. Instruction not

24 to answer. Attorney work product.

25 MR. HILL: Mr. Yalowitz, may I correctly

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1 assume that, if I pose any further questions on this

2 line, you will be instructing the witness not to answer,

3 as you've already done?

4 MR. YALOWITZ: I will take it question by

5 question. But my instructions will be consistent

6 with those that I've given in the past. You should

7 feel free to ask whatever questions you want to make

8 whatever record you think is appropriate.

9 MR. HILL: Will you state for the record

10 the basis of your instruction that the date of the

11 communication is itself protected?

12 MR. YALOWITZ: It reflects our litigation

13 strategy.

14 Q. BY MR. HILL: Did any of your work at the

15 Bar Ilan University pertain to the role of the PA or

16 PLO in the Second Intifada?

17 A. No.

18 Q. Have you had any further formal education

19 since you obtained your Master's degree?

20 A. Can you repeat the question?

21 Q. Since you completed your Master's degree,

22 have you had any further formal education of any kind?

23 A. No.

24 Q. Have you conducted any interviews of any

25 persons in connection with Exhibit 420?

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1 A. Are you referring to the report itself?  
 2 Q. Yes, sir.  
 3 A. I did not perform any interviews.  
 4 Q. Prior to your work on Exhibit 420, had you  
 5 interviewed anyone that you believe is relevant to  
 6 Exhibit 420?  
 7 A. Yes.  
 8 Q. Tell me the names of all the people that  
 9 you interviewed prior to your work on Exhibit 420,  
 10 the interviews of which you believe are relevant to  
 11 Exhibit 420.  
 12 (Pending question partially translated.)  
 13 MR. YALOWITZ: I just want to caution the  
 14 witness not to disclose -- and I assume that the  
 15 question is limited, that you don't want him to  
 16 disclose the information that he's not at liberty  
 17 to disclose because of his prior employment.  
 18 MR. HILL: Unless you're instructing him  
 19 not to answer this question, I'd like him to answer  
 20 this question. So let's see what he says.  
 21 MR. YALOWITZ: Okay. So with that caution,  
 22 if you just ask the question, and then I'll repeat my  
 23 objection.  
 24 (Pending question translated.)  
 25 MR. YALOWITZ: And I just want to caution

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1 the witness that he should not disclose any names  
 2 that he thinks would be inappropriate to disclose,  
 3 based on his prior work.  
 4 THE WITNESS: May I answer?  
 5 MR. YALOWITZ: Yes.  
 6 THE WITNESS: All of the people whom I  
 7 spoke with were within the framework of my work in  
 8 the military.  
 9 Q. BY MR. HILL: (Not translated.) So are you  
 10 saying that, because all of the people you spoke with,  
 11 the interviews of which you think are pertinent to  
 12 Exhibit 420, were within the framework of your work  
 13 for the military, that you are unable to tell me their  
 14 names?  
 15 MR. YALOWITZ: Object to the form of the  
 16 question.  
 17 (Pending question translated.)  
 18 THE WITNESS: Correct.  
 19 Q. BY MR. HILL: So sitting here today, you  
 20 cannot tell me the name of a single person who you  
 21 interviewed, the interview of which is relevant to  
 22 Exhibit 420; correct?  
 23 MR. YALOWITZ: Object. Object to the form  
 24 of the question.  
 25 THE WITNESS: Correct.

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1 MR. HILL: I don't think I got the answer.  
 2 OFFICIAL INTERPRETER NE'EMAN: "Correct."  
 3 Q. BY MR. HILL: And why can't you tell me the  
 4 names of those people?  
 5 A. Because we're talking about sources that  
 6 served my professional work.  
 7 Q. Sir, the sources that you've referred to,  
 8 did you consider the information you received from  
 9 them in connection with your work on Exhibit 420?  
 10 MR. YALOWITZ: Object to the form of the  
 11 question.  
 12 THE WITNESS: Irrespective of that work,  
 13 I took it into account within the framework of my  
 14 responsibilities.  
 15 Q. BY MR. HILL: So you did consider the  
 16 information you had received from those sources in  
 17 connection with your work on Exhibit 420; is that  
 18 correct?  
 19 MR. YALOWITZ: Object. Object to the form  
 20 of the question.  
 21 THE WITNESS: No. What I intended to say  
 22 was that the information that I accumulated within  
 23 the framework of my conversations with those sources,  
 24 it was formulated and it accumulated in my head within  
 25 the framework of that work. I cannot state what the

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1 exact use was of information from this interview or  
 2 that interview.  
 3 Q. BY MR. HILL: Thank you. I think that helps  
 4 me understand.  
 5 You would agree, sir, that when you were  
 6 working on Exhibit 420, you still had in your mind  
 7 information from sources that you had learned as a  
 8 result of your work in the IDF; correct?  
 9 A. Definitely.  
 10 Q. Okay. And over the course of your work  
 11 with the IDF, you have received information from  
 12 sources that is relevant to Exhibit 420; correct?  
 13 MR. YALOWITZ: Object to the form of the  
 14 question.  
 15 THE WITNESS: It's possible.  
 16 Q. BY MR. HILL: It's not just possible. It's  
 17 certain, isn't it, sir?  
 18 A. I assume that's correct.  
 19 Q. And it's also correct that, even if you wanted  
 20 to, you couldn't tell me any of that information today  
 21 because it remains classified; right?  
 22 A. Correct.  
 23 Q. In fact, sir, you may know something from  
 24 sources in your work in the IDF that's inconsistent  
 25 with what's written on Exhibit 420; right?

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1 A. Can you repeat the question?  
 2 Q. It's possible, sir, that some of the  
 3 information you received from sources over your  
 4 decades in the IDF is inconsistent with what's been  
 5 written in Exhibit 420; correct?  
 6 A. No.  
 7 Q. You've never received, in the course of  
 8 your work in the IDF, any information inconsistent  
 9 with what's written in Exhibit 420?  
 10 A. No.  
 11 Q. Tell me about the information that you've  
 12 received in the course of your work at the IDF that's  
 13 consistent with what you've written in Exhibit 420.  
 14 MR. YALOWITZ: Objection. Instruction not  
 15 to answer.  
 16 MR. HILL: What's the basis of the  
 17 instruction?  
 18 MR. YALOWITZ: The witness -- it's not  
 19 relevant. He didn't rely on it. And he's not at  
 20 liberty to disclose it.  
 21 MR. HILL: Well, the first two are not a  
 22 basis. So you're saying he's prohibited by some law  
 23 from disclosing the answer?  
 24 MR. YALOWITZ: Yes -- well, I don't know that.  
 25 MR. HILL: Well, are you instructing him or

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1 Q. Tell me the classified information that you  
 2 know that's relevant to Exhibit 420.  
 3 MR. YALOWITZ: Objection. Instruction not  
 4 to answer. It also calls for a legal conclusion on  
 5 what's relevant.  
 6 I think you're asking him a question that's  
 7 not appropriate for the lay witness to answer. You  
 8 can ask a more specific question if you wish.  
 9 Q. BY MR. HILL: Okay. Do you have classified  
 10 information in your head that's relevant to Exhibit 420?  
 11 MR. YALOWITZ: Same objection. Same  
 12 instruction since it's the same question.  
 13 MR. HILL: You're not going to let him answer  
 14 whether he has it? The question is: Does he have it?  
 15 MR. YALOWITZ: My objection is to the term  
 16 "relevant." That's a legal term. That's your argument.  
 17 You're embedding a legal conclusion in your question.  
 18 MR. HILL: That's not a basis to instruct  
 19 him not to answer. Are you instructing him not to  
 20 answer this question or not?  
 21 MR. YALOWITZ: Yes.  
 22 Q. BY MR. HILL: Sir, do you have any classified  
 23 information in your head that relates to Exhibit 420?  
 24 MR. YALOWITZ: Same objection. Same  
 25 instruction.

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1 not?  
 2 MR. YALOWITZ: I'm protecting the witness.  
 3 I'm protecting the record. I'm instructing him. If  
 4 you wish to take it up with the court, you know how  
 5 to do that.  
 6 MR. HILL: Well, the court's not in session  
 7 right now. But you're not going to change your  
 8 instruction on this question?  
 9 MR. YALOWITZ: That's correct.  
 10 Q. BY MR. HILL: Can you tell me anything about  
 11 the information you learned while in the IDF that's  
 12 relevant to Exhibit 420?  
 13 MR. YALOWITZ: Object -- well, go ahead.  
 14 You can answer.  
 15 THE WITNESS: All of the sources for this  
 16 report are open source. They're accessible by anyone,  
 17 and they're also relevant to my previous line of work.  
 18 Q. BY MR. HILL: But, sir, you also have  
 19 information that is not open source, that is relevant  
 20 to Exhibit 420; right?  
 21 A. I don't have in my possession any classified  
 22 information.  
 23 Q. There's classified information in your head,  
 24 isn't there, sir?  
 25 A. Correct.

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1 Q. BY MR. HILL: Sir, do you have any classified  
 2 information in your head that has anything to do with  
 3 Exhibit 420?  
 4 A. No.  
 5 Q. Do you have any classified information in  
 6 your head that has to do with the Hebrew University  
 7 attack?  
 8 A. No.  
 9 MR. HILL: Okay. Let's take a break.  
 10 (Recess from 11:08 a.m. to 11:20 a.m.)  
 11 Q. BY MR. HILL: Turn to page 2 of Exhibit 420.  
 12 Under the heading "Nature and Purpose of Report," I'd  
 13 like you to look at the second paragraph. That sentence  
 14 there says:  
 15 "My expert opinion herein does not deal with  
 16 the responsibility of Hamas for the commission of the  
 17 attack by Hamas."  
 18 And the attack you're referring to there is  
 19 the bombing of the cafeteria at the Hebrew University;  
 20 correct?  
 21 A. Correct.  
 22 Q. And you agree, though, that that attack was  
 23 done by Hamas; right?  
 24 A. Correct.  
 25 Q. Your report does not mention the name of

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1 the person who placed the bomb in the cafeteria;  
 2 does it?  
 3 A. To the best of my recollection, that is  
 4 correct.  
 5 Q. Your report does not contain any discussion  
 6 of who may have instructed that person to place the  
 7 bomb; right?  
 8 A. Can you repeat the question?  
 9 Q. Your report does not contain a discussion  
 10 of who may have instructed the person to place the  
 11 bomb in the cafeteria to do so; correct?  
 12 A. Correct.  
 13 Q. Your report does not contain any discussion  
 14 of why the person who placed the bomb in the cafeteria  
 15 did so; correct?  
 16 MR. YALOWITZ: Object to the form.  
 17 THE WITNESS: Correct.  
 18 Q. BY MR. HILL: Your report does not contain  
 19 any discussion of where the person who placed the bomb  
 20 in the cafeteria got it?  
 21 A. Correct.  
 22 Q. Your report does not contain any discussion  
 23 of from whom the person who placed the bomb received  
 24 the bomb?  
 25 A. Not correct.

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1 never received any money from the PA; right?  
 2 A. To the best of my recollection, that is  
 3 correct.  
 4 Q. In fact, the person that placed the bomb  
 5 lived in Israel; right?  
 6 A. Correct.  
 7 Q. And the Hebrew University is outside of the  
 8 area controlled by the PA; right?  
 9 A. Correct.  
 10 Q. The PA has no security responsibility for  
 11 Hebrew University; right?  
 12 MR. YALOWITZ: Object to the form of the  
 13 question.  
 14 THE WITNESS: Correct.  
 15 Q. BY MR. HILL: None of your work at the IDF  
 16 involved the bombing of the Hebrew University?  
 17 A. I did not directly deal with that.  
 18 Q. None of your work at the IDF even indirectly  
 19 dealt with the Hebrew University bombing; right?  
 20 A. I heard about the attack when I was in the  
 21 Army.  
 22 Q. Did you hear about it through official  
 23 channels?  
 24 A. From media sources.  
 25 Q. Apart from what you heard about in media

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1 Q. What does your report say about from whom  
 2 the person who placed the bomb received it?  
 3 A. The report states that the person who is  
 4 responsible for that bomb is Abdullah Barghouti.  
 5 Q. I appreciate the answer, sir. That's not  
 6 what I asked you.  
 7 The report does not say from whom the person  
 8 who placed the bomb got the bomb, does it?  
 9 A. Correct.  
 10 Q. Your report does not say how the person who  
 11 placed the bomb hid the bomb in order to take it to  
 12 Hebrew University; correct?  
 13 A. Correct.  
 14 Q. Your report does not say how the person who  
 15 placed the bomb got access to the cafeteria; correct?  
 16 A. Correct.  
 17 Q. And Exhibit 420 does not explain what  
 18 connection, if any, the person who placed the bomb  
 19 had with Abdullah Barghouti; correct?  
 20 A. Correct.  
 21 Q. In fact, the person who placed the bomb had  
 22 no connection to the PA at all, did he?  
 23 A. To the best of my recollection, that is  
 24 correct.  
 25 Q. Okay. The person who placed the bomb had

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1 sources, you had nothing to do with the bombing of  
 2 Hebrew University; correct?  
 3 A. I read about it subsequently in the reports.  
 4 Q. Okay. But I want to focus on what happened  
 5 in July of 2002, sir.  
 6 At the time the bombing happened in July of  
 7 2002, you had no job responsibilities related to that  
 8 bombing; correct?  
 9 A. Correct.  
 10 Q. All you know about that bombing are things  
 11 that you've seen in the media or read; right?  
 12 A. Correct.  
 13 Q. At the time of the bombing, your  
 14 responsibilities were in Jericho; right?  
 15 A. Correct.  
 16 Q. And the Hebrew University, for the record,  
 17 is not in Jericho; right?  
 18 A. Correct.  
 19 Q. The Hebrew University is in Jerusalem?  
 20 A. Correct.  
 21 Q. And none of your duties, as a member of the  
 22 IDF, involved any responsibility for Jerusalem; correct?  
 23 A. In my most recent positions, I studied and  
 24 I investigated -- I investigated or I researched what  
 25 is happening in Jerusalem as well.

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1 Q. Did your research involve the Hebrew  
 2 University bombing?  
 3 A. No.  
 4 Q. Turn, if you will, to page 4 of the report.  
 5 Sir, I'd like to call your attention to "II" of your  
 6 report, which is entitled:  
 7 "Part One - Hebrew University."  
 8 Do you see that, sir?  
 9 A. Yes.  
 10 Q. And that section begins on page 4 of your  
 11 report and goes through page 16 of your report; correct?  
 12 A. Correct.  
 13 Q. All of the information contained on those  
 14 pages in that section is information that you read  
 15 somewhere; right?  
 16 A. Correct.  
 17 Q. You don't have any firsthand knowledge of  
 18 any of that information; right?  
 19 A. I would like to review the pages.  
 20 (Examining.) Can you repeat the question,  
 21 please?  
 22 Q. The question is just: You don't have any  
 23 firsthand knowledge of the information that appears  
 24 under heading "II" on pages 4 to 16 of your report;  
 25 correct?

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1 Exhibit 420 say that, sir?  
 2 A. I believe that footnote number 2 refers to  
 3 this.  
 4 Q. Which source of footnote number 2?  
 5 A. A statement from a website of Izz Ad-Din  
 6 Al-Qassam, a confession -- a confession that Hamas  
 7 carried out the terrorist attack.  
 8 Q. Are you familiar with someone called Sheikh  
 9 Ahmed Yassin?  
 10 A. Yes.  
 11 Q. Who was he?  
 12 A. He was the leader of Hamas.  
 13 Q. Is he alive today?  
 14 A. No.  
 15 Q. Why not?  
 16 A. Because he was assassinated by Israel.  
 17 Q. Did you have anything to do with the  
 18 assassination of Sheikh Yassin?  
 19 A. No.  
 20 MR. HILL: Let's mark this.  
 21 (Defendants' Exhibit 424 marked.)  
 22 Q. BY MR. HILL: In fact, Israel has assassinated  
 23 a number of Hamas leaders; correct?  
 24 A. Correct.  
 25 Q. One was named Salah Shehadeh; right?

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1 A. That's all correct, with the exception of  
 2 one or two sections. The section where I'm talking  
 3 about the Dawa.  
 4 Q. For the record, which page and paragraph  
 5 is that?  
 6 A. I'd like to locate that, please. Section 2,  
 7 page 13.  
 8 Q. Have you finished your answer?  
 9 A. (In English.) Yes. Yes, of course, I  
 10 finished.  
 11 (Translated.) I had finished it earlier.  
 12 Q. Are you aware of statements by Hamas as  
 13 to why the attack was made at the Hebrew University  
 14 in July 2002?  
 15 A. Can you repeat the question?  
 16 Q. Are you aware of statements made by Hamas  
 17 as to why the attack was made on the cafeteria in  
 18 July 2002 at the Hebrew University?  
 19 A. Yes.  
 20 Q. What do you understand Hamas said was the  
 21 reason for the attack?  
 22 A. The reason is, from the perspective of Hamas,  
 23 that Palestine must be liberated by means of an armed  
 24 struggle.  
 25 Q. And do any of the sources that you cite in

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1 A. Correct.  
 2 Q. Did you have anything to do with the  
 3 assassination of Salah Shehadeh?  
 4 A. No.  
 5 Q. Have you had anything to do with any  
 6 assassinations conducted by the IDF?  
 7 A. No.  
 8 Q. Let me show you what we've marked as  
 9 Exhibit 424. This is an Associated Press article  
 10 dated July 31st, 2002; correct?  
 11 A. Correct.  
 12 Q. Did you look at this document when you were  
 13 working on Exhibit 420?  
 14 A. I have to examine this.  
 15 Q. Please do.  
 16 A. (Examining.) Could you please tell me what  
 17 Bates number that is?  
 18 Q. It doesn't have a Bates number, sir.  
 19 A. I don't recall whether I have seen this  
 20 before.  
 21 Q. I'd like to draw your attention to the second  
 22 paragraph on Exhibit 424, which says:  
 23 "Sheikh Ahmed Yassin, the spiritual leader  
 24 of the militant Hamas group, linked the bombing to  
 25 Israel's air strike in Gaza last week that killed

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1 Hamas military commander Salah Shehadeh and 14  
 2 civilians, including nine children."  
 3 Do you see that?  
 4 A. Yes.  
 5 Q. Do you recall Sheikh Yassin making statements  
 6 to that effect on or around July 31st, 2002?  
 7 A. I don't recall.  
 8 Q. You didn't put that in your report, did you?  
 9 A. Correct.  
 10 Q. Look at the second page of Exhibit 424. The  
 11 sixth paragraph on that page says:  
 12 "The Palestinian Authority, led by Yasser  
 13 Arafat, said in a statement that it 'absolutely  
 14 condemns the attack against Hebrew University.'"   
 15 Do you see that, sir?  
 16 A. Yes.  
 17 Q. Do you recall President Arafat stating words  
 18 to that effect on or about July 31st, 2002?  
 19 A. No.  
 20 Q. You didn't put that in your report either,  
 21 did you?  
 22 A. Correct. I believe that's correct.  
 23 Q. Now, it's also true that Israel conducted  
 24 assassinations of Palestinians who were held in PA  
 25 custody; right?

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1 which we've marked as Defendants' Exhibit 425, entitled:  
 2 "Chronological Review of Events Relating to  
 3 the Question of Palestine."  
 4 Is this one of the documents you looked at  
 5 in connection with your work on Exhibit 420?  
 6 A. (Examining.) I believe that I have not seen  
 7 this.  
 8 Q. Are you familiar with the United Nations?  
 9 A. Yes.  
 10 Q. Do you consider them to be a reliable source  
 11 of information?  
 12 A. It depends what information.  
 13 Q. Well, turn, if you will, to the third page  
 14 of Exhibit 425. And you see in bold there on the  
 15 left-hand side the number "26."  
 16 A. Yes.  
 17 Q. And you see on the first page that this  
 18 refers to August of 2001; right?  
 19 A. Correct.  
 20 Q. And you see that the bold numbers on the  
 21 document correspond to dates of the month; right?  
 22 A. I can't say whether or not that is true.  
 23 Q. Assume for the purposes of our inquiry  
 24 today that those bold numbers refer to dates of the  
 25 month. Okay?

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1 A. Correct.  
 2 Q. And you agree that Palestinian policemen  
 3 were sometimes killed when Israelis assassinated  
 4 Palestinians who were in PA custody; right?  
 5 A. Could we please examine what is meant by  
 6 the words "assassination during detention" or while  
 7 being held.  
 8 Q. Will you agree that Israel has fired missiles  
 9 or other ordinance at PA detention facilities in order  
 10 to kill people that were detained inside?  
 11 Right?  
 12 A. Correct.  
 13 Q. And you agree that, in some of those  
 14 instances, Palestinian policemen who were on duty  
 15 guarding prisoners were killed; right?  
 16 A. I assume so, yes.  
 17 Q. Now, in your report, you claim that  
 18 Abdullah Barghouti was released from PA custody  
 19 on August 27th, 2001; right?  
 20 A. I believe that it was the 27th.  
 21 Q. And that's based on a document you've read;  
 22 right?  
 23 A. Correct.  
 24 (Defendants' Exhibit 425 marked.)  
 25 Q. BY MR. HILL: Let me show you a document

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1 A. Okay. Fine.  
 2 Q. The first sentence under 26 on the third  
 3 page says:  
 4 "Israeli fighter planes and tanks demolished  
 5 police buildings in several Palestinian towns."  
 6 A. Correct.  
 7 Q. Do you see that?  
 8 A. Yes.  
 9 Q. Do you recall that happening on or about  
 10 that day?  
 11 A. No.  
 12 Q. The next sentence says:  
 13 "A Palestinian policeman was killed and  
 14 at least 19 people injured when Israeli F-16s and  
 15 F-15s attacked Palestinian police HQ in Gaza City,  
 16 Deir el-Balah in southern Gaza Strip, and the village  
 17 of Salfit near Nablus."  
 18 Do you see that?  
 19 A. Yes.  
 20 Q. Do you also see in the middle of that  
 21 paragraph where it says:  
 22 "An Israeli tank shell near Beit Hanoun,  
 23 northeast of Gaza City, killed a 14-year-old Palestinian  
 24 boy from the Jabalya refugee camp."  
 25 A. No. Can you show me that again?

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1 Q. Yes.

2 A. (In English.) "An Israeli tank"?

3 Q. Yes. Do you see the reference to Beit Hanoun?

4 A. (In English.) Yes.

5 Q. And you see the next sentence that says:

6 "Israeli helicopters fired seven missiles at

7 a police station in Tulkarm."

8 A. Yes.

9 Q. And if you see, the last sentence in that

10 paragraph says:

11 "One of the nighttime air strikes leveled

12 a four-story building in the Gaza City police HQ."

13 Do you see that?

14 A. Yes.

15 Q. Does this refresh your memory that the day

16 before you say Abdullah Barghouti was released, Israeli

17 forces were destroying police buildings in Gaza City,

18 Deir Al-Balah, Salfit, Tulkarm, and Ramallah?

19 MR. YALOWITZ: Objection. Objection.

20 Misstates the record.

21 The question was Ramallah and not Salfit,

22 I think. He said Ramallah; right?

23 Objection, misstates the record.

24 Q. BY MR. HILL: You can respond to it.

25 A. I'm not the one who's claiming that Abdullah

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1 that's in front of you, sir, does this refresh your

2 recollection that the attacks made by the IDF on

3 Palestinian police facilities that are described in

4 that document occurred on or about August 26th, 2001?

5 MR. YALOWITZ: I'm sorry. Can I just have

6 the question back?

7 (Pending question read.)

8 MR. YALOWITZ: Go ahead and answer.

9 THE WITNESS: I am reading here that the

10 Israeli attacks took place on those same dates.

11 Q. BY MR. HILL: You don't have any reason

12 to doubt the accuracy of this UN report, do you, sir?

13 A. Correct.

14 Q. In fact, you have a general recollection

15 that, in this time period of August of 2001, the IDF

16 was attacking PA police facilities; right?

17 A. Correct.

18 Q. You didn't mention any of these attacks in

19 your report; right?

20 A. Correct.

21 Q. Do you recall the IDF assassinating someone

22 called Abu Ali Mustafa?

23 A. Yes.

24 Q. Who was Abu Ali Mustafa?

25 A. The head of the Popular Front.

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1 Barghouti was released. He is the one who is saying

2 that.

3 Q. That's a fair point.

4 You're just repeating what Mr. Barghouti

5 allegedly said in some document; right?

6 A. He did not allegedly claim that. He

7 confessed it in the course of his interrogation.

8 Q. Okay. But you weren't present when he was

9 interrogated; right?

10 A. Correct.

11 Q. You've just read a document that purports

12 to reflect what he told an interrogator; right?

13 A. The document cites what Barghouti stated

14 during the course of his interrogation. And Barghouti

15 signed the document and stated that everything is

16 accurate.

17 Q. What language is this document written in?

18 A. In Hebrew.

19 Q. Do you know whether Abdullah Barghouti could

20 read Hebrew as of the date of that document?

21 A. He is not capable of doing so.

22 Q. Okay. So Abdullah Barghouti did not write

23 anything in Hebrew in those documents, did he?

24 A. He wrote in Arabic, not in Hebrew.

25 Q. Now, to now to return to the exhibit

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1 Q. That's the Popular Front for the Liberation

2 of Palestine?

3 A. Yes.

4 Q. And do you recall that he was assassinated

5 by missiles from a helicopter, in his office in

6 Ramallah?

7 A. I think so. Yes.

8 Q. Turn to the next page of Exhibit 425. Do

9 you see the first sentence on the top of the page that

10 says:

11 "The Israeli Army killed the secretary general

12 of the Popular Front for the Liberation of Palestine

13 (PFLP), Mustafa Zibri, known has Abu Ali Mustafa, in

14 his office in the West Bank town of Ramallah."

15 Do you see that?

16 A. Yes.

17 Q. Does this refresh your recollection that

18 the assassination of Abu Ali Mustafa took place on

19 August 27, 2001?

20 A. I don't recall the date of the assassination.

21 Q. Do you have any reason to doubt that the

22 UN report that we're looking at that is Exhibit 425

23 is inaccurate as to the date on which Abu Ali Mustafa

24 was assassinated by the IDF?

25 A. I have no reason.

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1 Q. As far as you know, August 27th, 2001, was  
 2 the date on which Abu Ali Mustafa was assassinated;  
 3 right?  
 4 A. Correct.  
 5 Q. And that is the same date on which Exhibit 420  
 6 says Abdullah Barghouti was released; right?  
 7 A. Correct.  
 8 Q. You did not mention the assassination of  
 9 Abu Ali Mustafa in your report; correct?  
 10 A. Correct. To the best of my recollection.  
 11 Q. Turn, if you will, to page 7 of Exhibit 420.  
 12 And I'd like to refer you to footnote number 6. That  
 13 references something called an:  
 14 "ISA Wanted List Delivered to PA - August  
 15 2001."  
 16 Is that correct?  
 17 A. I see the section that you're talking about.  
 18 Q. And it's also referenced in paragraph 6 on  
 19 that same page; right?  
 20 A. Footnote 6? I don't understand the question.  
 21 Q. The same list is referred to both in  
 22 paragraph 6 in the text and footnote 6 at the bottom  
 23 of page 7; right?  
 24 A. Correct.  
 25 Q. In August of 2001, your job responsibilities

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1 prepared by a police officer who had interrogated  
 2 Abdullah Barghouti; right?  
 3 A. I examined the report by the police officer.  
 4 Q. And that's the same document we were talking  
 5 about earlier that's written in Hebrew?  
 6 A. Correct.  
 7 Q. And you would agree that that document  
 8 indicates that Abdullah Barghouti received a lot  
 9 of money from Hamas; right?  
 10 A. Correct.  
 11 Q. And you would agree that no document you  
 12 have seen indicates how much money Abdullah Barghouti  
 13 had available to him in July of 2002; right?  
 14 A. No, there was another document.  
 15 Q. Which document have you seen that indicates  
 16 how much money Abdullah Barghouti had in July of 2002?  
 17 A. The book that Abdullah Barghouti wrote  
 18 himself.  
 19 Q. And does it say what his bank account  
 20 balance was in July, 2002?  
 21 A. I don't recall.  
 22 Q. Apart from the book that you found on the  
 23 Internet that you've referenced, have you seen anything  
 24 else that indicates how much money Abdullah Barghouti  
 25 may have had available to him in July of 2002?

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1 in Jericho didn't have anything to do with this ISA  
 2 list; right?  
 3 A. Correct.  
 4 Q. You've never even seen this document, have  
 5 you?  
 6 A. The document containing the list of names?  
 7 Q. Yes, sir.  
 8 A. I saw it within the framework of the sources  
 9 for this report.  
 10 Q. And you would agree that the version that  
 11 you saw within the framework of the sources for the  
 12 report does not contain Abdullah Barghouti's name;  
 13 correct?  
 14 A. The version that I saw did not contain his  
 15 name, but that was a partial version.  
 16 Q. And you've never seen the full version; right?  
 17 A. Correct.  
 18 Q. You reviewed the police officers' recordation  
 19 of Mr. Barghouti's interrogation; right?  
 20 (Pending question partially translated.)  
 21 OFFICIAL INTERPRETER NE'EMAN: Did you say  
 22 "recording"?  
 23 Q. BY MR. HILL: Let me rephrase the question.  
 24 As part of your work on Exhibit 420, you  
 25 looked at a document that would have been purportedly

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1 A. No.  
 2 Q. And the book that you're referring to is,  
 3 in fact, something you found on the Web; right?  
 4 A. It's also in the Internet and also within  
 5 the framework of the sources that were given to me  
 6 for the purpose of the preparation of the report.  
 7 Q. Okay. The lawyers gave you a document that  
 8 purports to have been written by Abdullah Barghouti  
 9 in Arabic; right?  
 10 A. It was from the Internet.  
 11 Q. Okay. You don't have any idea who put that  
 12 document on the Internet, do you?  
 13 A. I don't know.  
 14 Q. The statement of the police that you reviewed  
 15 also indicated that there came a time when Abdullah  
 16 Barghouti claimed to be living in a home in Ramallah;  
 17 right?  
 18 A. Correct.  
 19 Q. There did come a time when the IDF invaded  
 20 or re-occupied Ramallah; right?  
 21 A. Correct.  
 22 Q. And, in fact, the police statement you  
 23 reviewed indicated that Abdullah Barghouti claimed  
 24 to be living in a house in Ramallah with an IDF  
 25 observation post on top of the house; right?

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1 A. I don't recall the issue of the observation  
2 post.  
3 Q. You didn't mention the fact that the police  
4 statement indicated he'd been in a house that had an  
5 IDF observation post on top of it in your report; right?  
6 A. Correct.  
7 Q. You would agree with me, sir, that if the  
8 IDF has an observation post on top of a house in  
9 Ramallah, that at least that house is under IDF control;  
10 right?  
11 A. It would be reasonable to assume that. Yes.  
12 Q. The IDF would not allow Palestinian forces  
13 to secure a building that the IDF had an observation  
14 post on, would it, sir?  
15 A. Correct.  
16 Q. Certainly not in the period that we're  
17 talking about here; right?  
18 A. In principle, correct.  
19 Q. There's no doubt in your mind that, if  
20 there was an IDF observation post on top of the  
21 house in which Abdullah Barghouti was living, that  
22 that entire house was under the control of the IDF;  
23 right?  
24 A. It would be reasonable to assume. Yes.  
25 Q. Do you recall, from the police statement,

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1 lawyers gave you at the beginning of your work in  
2 this matter; right?  
3 A. Correct.  
4 Q. Turn, if you will, to page 19 of Exhibit 420,  
5 which is the first document that we handed you today.  
6 Do you have page 19 of Exhibit 420 in front  
7 of you?  
8 A. Yes.  
9 Q. The section that's on "IV" of Exhibit 420  
10 is called:  
11 "Part Three - The Connection and Relationship  
12 Between the PA, PLO, and Fatah."  
13 Correct?  
14 A. Yes.  
15 Q. And that section "IV," which is "Part Three,"  
16 begins at the bottom of page 19 and continues through  
17 page 25; right?  
18 A. That's right.  
19 Q. This may be obvious, but you've never been  
20 part of the PA; right?  
21 A. Correct.  
22 Q. And you've never been part of the PLO?  
23 A. Correct.  
24 Q. You've never been part of Fatah?  
25 A. Correct.

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1 that Abdullah Barghouti claimed that he had shown  
2 IDF soldiers a fake ID?  
3 A. I recall.  
4 Q. And you recall that the IDF soldiers who  
5 encountered Mr. Barghouti on that occasion did not  
6 take him into custody; correct?  
7 A. Correct.  
8 Q. And you recall that that episode occurred  
9 before the bombing at Hebrew University; right?  
10 A. Correct.  
11 Q. And you did not mention that in Exhibit 420;  
12 did you, sir?  
13 A. Correct.  
14 MR. HILL: Why don't we take our lunch break  
15 here. Let's go off the record.  
16 (Recess from 12:13 p.m. to 1:23 p.m.)  
17 (Defendants' Exhibit 426 marked.)  
18 Q. BY MR. HILL: Mr. Eviatar, you understand  
19 that you're still under oath; right?  
20 A. Correct.  
21 Q. Let me hand you what we've marked as  
22 Exhibit 426. This is the report of Ronni Shaked  
23 that we discussed this morning; right?  
24 A. (Examining.) Correct.  
25 Q. And that's the report that the plaintiffs'

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1 Q. You've never been part of something called  
2 Tanzim; right?  
3 A. Correct.  
4 Q. You've never been part of something called  
5 the Al-Aqsa Martyrs' Brigade; right?  
6 A. Correct.  
7 Q. Your job in Jericho with the IDF did not  
8 involve the connection and relationship between the PA,  
9 PLO, and Fatah; correct?  
10 A. No.  
11 Q. Do you agree with me?  
12 A. No.  
13 Q. What responsibility did you have in your  
14 job in Jericho for the connection and relationship  
15 between the PA, PLO, and Fatah?  
16 A. Within the framework of my responsibilities  
17 in Jericho, I was responsible for the entire picture  
18 of information in my region and the Allenby Bridge.  
19 Q. Anything else about your responsibilities in  
20 Jericho that involved the connection and relationship  
21 between the PA, PLO, and Fatah?  
22 A. Part of my responsibility is to understand  
23 and to be familiar with the various Palestinian entities  
24 that I work with or that I learn about.  
25 Q. While you were working in Jericho, did you

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1 have any dealings with the PLO?

2 A. Yes.

3 Q. Who from the PLO did you have dealings with

4 while you worked at Jericho?

5 A. For example, Dr. Saeb Erekat.

6 Q. Anyone other than Dr. Erekat?

7 A. For example, Ahmed Qurei, whose nickname --

8 whose alias is Abu Alaa.

9 Q. Anyone else from the PLO that you dealt

10 with while you worked in Jericho?

11 A. I don't recall at this moment.

12 Q. While you were working in Jericho, did you

13 have any dealings with someone -- with anyone from

14 Fatah?

15 A. Definitely.

16 Q. Okay. Tell me the names of the people from

17 Fatah that you dealt with while you were working in

18 Jericho?

19 A. Jamal Lafi, the mayor of Jericho, the head

20 of the Fatah movement in Jericho, the head of the

21 Preventive Security Services in -- or the security

22 services in Jericho.

23 Q. Anyone else?

24 A. Those were the main people.

25 Q. What was the name of the mayor?

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1 the Allenby Bridge. Those were the main ones.

2 Q. BY MR. HILL: And can you tell me the names

3 of any of those people?

4 A. I don't recall at the moment.

5 Q. Have you now told me all of the names or

6 positions of people from the PA, PLO, or Fatah that

7 you dealt with while you were working in Jericho?

8 A. Most of them, I think.

9 Q. Can you tell me any more?

10 A. Officially?

11 Q. I don't understand what you mean, sir.

12 What do you mean by "officially"?

13 A. Are you referring to people holding official

14 positions with the Palestinian Authority?

15 Q. Sir, I mean to refer to anyone associated

16 with the PA, PLO, or Fatah that you personally dealt

17 with when you worked in Jericho. If you can tell me

18 the names or offices of anyone else that you haven't

19 told me about yet, please do so.

20 A. People from the office of Saeb Erekat;

21 people from the office of the head of the Palestinian

22 Liaison Office; people from the municipal authorities

23 of the various districts in the Jericho area, including

24 the northern Jordan Valley; people from the Palestinian

25 Tourism Ministry; and all of the other offices that I

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1 A. I don't recall right now.

2 Q. How about the head of Fatah, what was his

3 name?

4 A. I don't recall his name at the moment either.

5 Q. How about the head of the security services,

6 what was his name?

7 A. I don't recall precisely.

8 Q. Other than the people you've already told

9 me about, while you were working in Jericho, did you

10 deal with anyone from the Palestinian Authority?

11 A. Yes.

12 Q. Tell me the names of those people.

13 A. I don't recall names. I remember the

14 positions that they served in.

15 Q. Okay. What positions of the people whose

16 names you can't recall from the PA did you deal with

17 while you were working in Jericho?

18 A. Various functionary -- officeholders at

19 the municipality, at the district, in the various

20 governmental offices --

21 OFFICIAL INTERPRETER NE'EMAN: "Offices"

22 or "ministries"?

23 THE WITNESS: (In English.) Ministries is up.

24 OFFICIAL INTERPRETER NE'EMAN: Yes. Okay.

25 THE WITNESS: People holding positions at

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1 noted previously.

2 Q. Anybody else?

3 A. Not that I currently recall.

4 Q. So of that group of people that we've been

5 talking about for the last few minutes that you've

6 now described as much as you can recall of, did you

7 ever have a conversation with any of them about the

8 connection and relationship between the PA, PLO, and

9 Fatah?

10 A. I recall, in general terms, conversations

11 that I conducted with some of them on the issue that

12 you asked about.

13 Q. Can you tell me the name of any person who

14 you recall having such a conversation with?

15 A. For example, with Saeb Erekat.

16 Q. Okay. We'll come back to Mr. Erekat.

17 Can you tell me the name of anyone, other

18 than Mr. Erekat, that you had a conversation about

19 this subject with while you were working in Jericho?

20 A. For example, Abu Alaa. For example, with

21 the head of the Palestinian Liaison Office. For

22 example, with some of the heads of the Palestinian

23 security forces.

24 Q. Which heads of the security forces?

25 A. The head of the national security apparatus,

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1 the head of the preventative security apparatus, the  
2 head of the -- the intelligence apparatus, the police  
3 apparatus, the head of the military liaison --  
4 Palestinian military liaison office.

5 Q. Any others?

6 A. I assume that I had conversations with other  
7 people primarily at the Allenby Bridge, and I don't  
8 recall.

9 Q. You don't recall any others than that;  
10 correct?

11 A. Not at the moment.

12 Q. What, if anything, do you recall Saeb Erekat  
13 saying to you about the connection and relationship  
14 between the PA, PLO, and Fatah?

15 A. I don't recall precisely sentences that he  
16 said to me. I remember that I had conversations with  
17 him about the entities in which he is a member and  
18 which he represents.

19 Q. Can you tell me anything more about  
20 conversations you may have had with Saeb Erekat  
21 about the connection and relationship between the  
22 PA, PLO, and Fatah, other than what you just said?

23 A. I don't recall further.

24 Q. Okay. You mentioned Ahmed Qurei, who is  
25 also known as Abu Alaa.

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1 Can you recollect any conversation with  
2 Abu Alaa about the connection and relationship between  
3 the PA, PLO, and Fatah?

4 A. I don't recall.

5 Q. Can you recollect anything the head of the  
6 Palestinian Liaison Office may have told you about  
7 the connection and relationship between the PA, PLO,  
8 and Fatah?

9 A. I don't recall anything specific.

10 Q. Do you recall anything generally?

11 A. Yes.

12 Q. Tell me the best and fullest recollection you  
13 have of a conversation with the head of the Palestinian  
14 Liaison Office about the connection and relationship  
15 between the PA, PLO, and Fatah.

16 A. We had many conversations about the situation  
17 among various parties, the positions of -- the political  
18 positions of the Palestinians, and with respect to  
19 Palestinian interests, Palestinian needs. And that's  
20 what I currently recall at this time.

21 Q. Can you provide me any more information about  
22 conversations with the head of the Palestinian Liaison  
23 Office concerning the topic of the connection and  
24 relationship between the PA, PLO, and Fatah, other  
25 than what you just said?

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1 A. I don't recall at the moment.

2 Q. I'll try a question of a group of people and  
3 see if it makes things go faster.

4 Can you tell me, to the best of your  
5 recollection, the substance of any conversation you  
6 may have had with any of the heads of the Palestinian  
7 security forces about the subject of the connection  
8 and relationship between the PA, PLO, and Fatah?

9 A. I recall, in general terms, that in the  
10 meetings with the heads of the Palestinian security  
11 forces, they made sure to represent the positions of  
12 the entities that they were members of, which were  
13 the Palestinian Authority, the PLO, and the Fatah.

14 Q. Okay. Can you provide me any more information  
15 about conversations you may have had with the heads  
16 of Palestinian security forces on the subject of the  
17 connection and relationship between the PA, PLO, and  
18 Fatah, beyond what you just told me?

19 (Comment in Hebrew by the witness.)

20 MR. YALOWITZ: Objection. Vague.

21 Q. BY MR. HILL: What's the answer?

22 A. No, I don't recall.

23 Q. Can you recall any conversation you may have  
24 had with the Palestinian Liaison Office concerning the  
25 subject of the connection and relationship between the

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1 PA, PLO, and Fatah?

2 A. I was speaking about them as well when I  
3 spoke about the heads of the security forces.

4 Q. Okay. Then I'm down to my last one.

5 Can you tell me the substance of any  
6 conversation you may have had with anyone connected  
7 with the Allenby Bridge about the connection and  
8 relationship between the PA, PLO, and Fatah?

9 A. I don't recall specific content.

10 Q. Tell me the full recollection of what  
11 you recall talking with somebody associated with  
12 the Allenby Bridge about the topic of the connection  
13 and relationship between the PA, PLO, and Fatah.

14 A. I'm asking again: Are you asking me whether  
15 I should answer to the best of my recollection?

16 Q. If you have any recollection at all of  
17 a conversation with somebody from the Allenby Bridge  
18 on the subject of a connection and relationship between  
19 the PA, PLO, and Fatah, please tell me what it is right  
20 now.

21 A. No, don't remember.

22 Q. Is it fair to say, sir, that none of the  
23 material which is in "IV, Part Three," on pages 19 to  
24 25 of Exhibit 420, comes from conversations you've had  
25 with Palestinians?

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1 A. There is nothing in this information that's  
 2 based -- no section in this --  
 3 (Brief exchange in Hebrew between Official  
 4 Interpreter Ne'eman and the witness.)  
 5 THE WITNESS: None of the information that's  
 6 set forth here in the pages that you've mentioned,  
 7 there is no section or sentence that that's based  
 8 upon my conversations with the people who I refer to.  
 9 Q. BY MR. HILL: Is there anything in this  
 10 section, "IV, Part Three," on pages 19 to 25, that's  
 11 based on a conversation you've had with any Palestinian?  
 12 A. Yes. In the past.  
 13 Q. Which information contained in Item 4,  
 14 which is "Part Three," from pages 19 to 25 of  
 15 Exhibit 420, is based on a conversation you've  
 16 had with a Palestinian?  
 17 A. I wish to examine the material.  
 18 Q. Of course.  
 19 A. (Examining.) Okay. For example, the fact  
 20 that we're referring to a single system is based upon  
 21 all of my conversations with the Palestinians throughout  
 22 all of the years.  
 23 Q. Okay. Anything else?  
 24 A. (In English.) Yes.  
 25 (Translated.) The issue of identity of

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1 Al-Sheikh.  
 2 Q. Anyone else?  
 3 A. Kamal Hamid, the head of the Fatah in  
 4 Bethlehem.  
 5 Q. Anyone else?  
 6 A. For example, Mohammed Dahlan.  
 7 Q. Anything else?  
 8 A. No.  
 9 Q. What did Hussein Al-Sheikh say to you about  
 10 these topics?  
 11 A. I don't recall particular or specific  
 12 sentences that Hussein Al-Sheikh stated. I remember  
 13 conversations that he had with me with respect to  
 14 the Palestinian entities which we mentioned.  
 15 Q. Can you tell me anything more about the  
 16 subject of these conversations with Mr. Al-Sheikh,  
 17 other than what you've just said?  
 18 A. I remember, for example, a prominent  
 19 conversation that Hussein Al-Sheikh had with me  
 20 on the subject of Shuhada Al-Aqsa.  
 21 Q. Anything else?  
 22 A. I don't recall at the moment.  
 23 Q. Have you now told me everything you can  
 24 recollect about the conversations with Hussein  
 25 Al-Sheikh that you referred to?

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1 the Fatah, of the Shabiba, of the Tanzim, of the  
 2 Palestinian Authority, of the PLO, and all of the  
 3 relationships among those entities is based upon  
 4 an organized Palestinian philosophy. All of that  
 5 information I accumulated over the course of all  
 6 the years within the framework of hundreds of  
 7 conversations that I've conducted with Palestinians.  
 8 Q. Anything else?  
 9 A. No.  
 10 Q. Can you tell me the name of a single  
 11 Palestinian who told you about either of those topics,  
 12 as you sit here today?  
 13 A. I could give an example of the head of  
 14 Fatah in Bethlehem. I can give an additional example  
 15 of a minister in the Palestinian Authority.  
 16 I can give further examples of people  
 17 who hold offices -- of officials in the Palestinian  
 18 Authority, in the PLO, in the Palestinian government,  
 19 and in the Fatah movement with whom I had professional  
 20 contacts from the very first day that I have dealt  
 21 with the Palestinian arena and to date.  
 22 Q. I appreciate your answer, sir.  
 23 Can you give me the name of a single person  
 24 who spoke to you about these topics?  
 25 A. I can give the example of Minister Hussein

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1 A. Yes.  
 2 Q. Tell me the full recollection you have of  
 3 any conversations with Kamal Hamid about this subject.  
 4 A. I don't recall a specific conversation.  
 5 Q. Tell me your full recollection of any  
 6 conversation you had with Kamal Hamid on this topic.  
 7 A. I remember that, in the conversations  
 8 that Kamal and I had together, he would make sure  
 9 to represent the Palestinian positions of those  
 10 entities.  
 11 Q. Can you tell me anything else about those  
 12 conversations with Mr. Hamid beyond what you've  
 13 already said here today?  
 14 A. Kamal Hamid would also talk about  
 15 demonstrations, for example.  
 16 Q. Can you recall anything else about your  
 17 conversations with Kamal Hamid on this subject that  
 18 you haven't told me about today?  
 19 A. The subjects also pertained to issues that  
 20 related to the relationships between Israelis and  
 21 Palestinians.  
 22 Q. Okay. Can you tell me anything else about  
 23 your recollection of conversations with Kamal Hamid  
 24 on this subject of the connection and relationship  
 25 between the PA, PLO, and Fatah, other than what you've

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1 already said?

2 A. I do not recall.

3 Q. Can you tell me anything about conversations

4 you may have had with Mohammed Dahlan about the

5 connection and relationship between the PA, PLO,

6 and Fatah?

7 A. I remember small-talk with Dahlan in Gaza

8 before the disengagement.

9 Q. Apart from what you've just described,

10 can you recollect any other conversations with

11 Mohammed Dahlan about the subject of the connection

12 and relationship between the PA, PLO, and Fatah?

13 A. No.

14 Q. Is any of the information contained in

15 "Part Three" of Exhibit 420, which is pages 19 to 25,

16 drawn from written materials other than those that

17 you refer to in those pages?

18 A. I'd like to review the pages.

19 Q. Of course.

20 A. (Examining.) All of the material that

21 appears here is based upon sources, open sources,

22 that are relevant within the framework of this work.

23 And they are combined with the cumulative knowledge

24 and experience that I have acquired within the

25 framework of my various positions.

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1 Do you see that, sir?

2 A. Yes.

3 Q. And that section begins on page 25 and

4 continues to page 27; correct?

5 A. Correct.

6 Q. Have you had any conversations with

7 Palestinians about the subject that you discuss

8 in "Part Four" of Exhibit 420?

9 A. I wish to review what's written here.

10 Q. Please do so.

11 A. (Examining.) I don't recall a specific

12 conversation with any Palestinian person with respect

13 to what's written here.

14 Q. Okay. Do you recall the name of a Palestinian

15 that you may have had a general conversation with about

16 the subject of "Part Four" of Exhibit 420?

17 A. I recall one specific conversation.

18 Q. Tell me the best of your recollection of that

19 conversation you had with someone about the subject of

20 "Part Four" of Exhibit 420.

21 MR. YALOWITZ: Objection. Are you limiting

22 it to -- as a follow-up to the prior answer, which

23 was about Palestinians?

24 MR. HILL: I didn't intend to, but let's see

25 what the witness says.

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1 Q. (Not translated.) Okay. I appreciate

2 that answer. Is every written document that you

3 have considered in connection with the subject of

4 the connection and relationship between the PA, PLO,

5 and Fatah, listed on pages 19 to 25 of Exhibit 420?

6 MR. YALOWITZ: Object to the form of the

7 question. Overbroad.

8 You can give him the question.

9 (Pending question translated.)

10 THE WITNESS: Yes, it's all here.

11 Q. BY MR. HILL: Have you ever received

12 any classified information about the connection

13 and relationship between the PA, PLO, and Fatah?

14 A. Within the framework of my work in the Army?

15 Q. At any time.

16 A. The answer is "yes."

17 Q. I take it, if I ask you about the classified

18 information you've received about the connection and

19 relationship between the PA, PLO, and Fatah, that you

20 won't tell me what that information is; right?

21 A. That's correct.

22 Q. Turn, if you will, to page 25 of Exhibit 420.

23 There is "V," which is "Part Four," and it's entitled:

24 "PLO/PA Payments to Terrorists and Their

25 Families."

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1 THE WITNESS: Can you repeat the question?

2 Q. BY MR. HILL: Yes. Tell me the best

3 recollection you have of a conversation with someone

4 that you had about the subject matter of "V, Part Four,"

5 of Exhibit 420.

6 A. Are you referring only to Palestinians or

7 to Israelis as well?

8 Q. Well, let's start with Palestinians.

9 Can you recollect a conversation with

10 any Palestinian about the subject of "Part Four" of

11 Exhibit 420, specifically the subject that's on pages

12 25 to 27 of this document?

13 A. I remember a conversation that I had with

14 the head of the Palestinian prisoners club.

15 Q. Any other conversations with Palestinians

16 about this subject of "Part Four" of Exhibit 420,

17 other than the one with the head of the prisoners club?

18 A. I don't recall at the moment.

19 Q. What was the name of the person that you

20 described as the head of the prisoners club?

21 A. Qadura Fares.

22 Q. And can you tell me the fullest recollection

23 you have of the conversation with Qadura Fares about

24 that topic?

25 A. I remember that we spoke six years ago, in

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1 2007, a conversation that dealt with the organization  
2 of demonstrations of support in favor of Marwan  
3 Barghouti. My conversations with Qadura Fares were  
4 on this topic.

5 Q. Have you now told me everything you can  
6 recall about those conversations with Mr. Fares?

7 A. The conversations with him dealt with the  
8 Palestinian support for Marwan Barghouti, who was  
9 in prison for five years.

10 Q. Can you tell me anything else about that  
11 conversation with Mr. Fares, other than what you've  
12 already said here today?

13 A. I don't recall.

14 Q. You mentioned you'd had some conversation  
15 with Israelis about the subject of "Part Four" of  
16 Exhibit 420; is that right?

17 A. Correct.

18 Q. And did any of them work for the PA?

19 A. No.

20 Q. Did any of them work for the PLO?

21 A. No.

22 Q. Who did they work for?

23 A. They worked in the Israel prison authority.

24 OFFICIAL INTERPRETER NE'EMAN: "Israel Prison  
25 Service." Sorry.

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1 right?

2 A. Just about part of the apparatus or part  
3 of the mechanism.

4 Q. Tell me the part of the mechanism you  
5 recall discussing with the person from the Israel  
6 Prison Service that you mentioned.

7 A. The Israel Prison Service is part of the  
8 picture only with respect to some of the funds.

9 Q. Okay. Tell me everything you can recollect  
10 about that conversation with the person from the  
11 Israeli Prison Service about this subject.

12 A. I remember conversations that dealt with  
13 money for the canteen, that dealt with money that the  
14 Hamas prisoners received. That's more or less what  
15 I remember.

16 Q. Did the colleague from the Israeli Prison  
17 Service say anything about where the Hamas prisoners  
18 were getting money?

19 A. Yes.

20 Q. Tell me what you recall in that regard.

21 A. What I remember is the funds that the Hamas  
22 prisoners received, as well as other security prisoners,  
23 that they receive it from the Palestinian Authority  
24 and from Hamas itself.

25 Q. Okay. And that's what your colleague at

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1 Q. BY MR. HILL: And do you remember what someone  
2 from the Israel Prison Service may have told you about  
3 subject "Four" of Exhibit 420, which is PA/PLO payments  
4 to terrorists and their families?

5 A. The information that they gave me, within  
6 the framework of the fact that we were professional  
7 colleagues, was consistent with what appears here.

8 Q. Can you tell me anything in particular that  
9 this person or persons from the Israeli Prison Service  
10 told you about the subject that you recall?

11 A. I remember details about conversations that  
12 dealt with methods and ways in which the Palestinian  
13 entities transferred the money to the prisoners and  
14 to their families.

15 Q. Tell me your fullest recollection of those  
16 conversations.

17 A. I don't recall more than what I've just  
18 stated.

19 Q. You agree that, in order for the prisoners  
20 of Israeli prisons to receive any money, the Israeli  
21 Prison Service has to be involved; right?

22 A. Correct.

23 Q. In fact, this is what your colleague was  
24 telling you was the mechanism of how the Israeli  
25 Prison Service allowed prisoners to receive money;

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1 the Israeli Prison Service told you; right?

2 A. Yes.

3 Q. Your job responsibilities have never involved  
4 the transfer of money to Israeli prisoners; right?

5 A. Correct.

6 Q. And by "Israeli prisoners," I mean  
7 Palestinians imprisoned in Israeli jails.

8 You understand that; right?

9 A. Correct.

10 Q. You would agree with me that, if the Israeli  
11 prison system wanted to stop prisoners from receiving  
12 money from Hamas, the Israeli prison system could do so;  
13 right?

14 MR. YALOWITZ: Objection. Calls for a legal  
15 conclusion.

16 Q. BY MR. HILL: Go ahead and answer, sir.

17 A. Do not agree.

18 Q. Do you believe Hamas has the ability to give  
19 money to people in Israeli prisons if the Israeli Prison  
20 Service doesn't want them to?

21 A. The money goes to the families of the  
22 prisoners. And, therefore, it has nothing to do  
23 with the Israel Prison Service.

24 Q. Okay. What was the name of this person  
25 from the Israel Prison Service that we've been talking

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1 about?

2 A. Yuval Biton.

3 Q. Did you speak to anyone else from the Israeli

4 Prison Service about that subject?

5 A. Yes.

6 Q. Who else did you speak to about that subject,

7 sir?

8 A. From the Israel Prison Service?

9 Q. Yes, sir.

10 A. With Gabi Yehuda.

11 Q. Anyone else?

12 A. No.

13 Q. Have you now told me the substance of what

14 you can recall about the conversations with these two

15 individuals from the Israeli Prison Service?

16 A. Yes.

17 Q. Are all of the written documents that you

18 considered in connection with "Part Four" of Exhibit

19 420, which is on pages 25 to 27, disclosed in "Part

20 Four" of Exhibit 420?

21 MR. YALOWITZ: Objection. Overbroad.

22 Q. BY MR. HILL: Go ahead and answer, please.

23 A. All of the documents are cited here.

24 Q. Did you ever receive classified information

25 about the subject of "Part Four," which is described

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1 prison is a terrorist; correct?

2 A. Everyone who is defined as a security

3 prisoner has committed an offense, and that person

4 is defined as a terrorist.

5 Q. So someone who is a security prisoner because

6 they've engaged in nonviolent protest, are you saying

7 that such a person is a terrorist?

8 A. The concept of terrorist is not only in

9 the context of terrorism. Somebody who creates a

10 disturbance, a violent disturbance, to any other form

11 of activity, in Hebrew, he is a terrorist. He's --

12 OFFICIAL INTERPRETER NE'EMAN: I'm looking

13 for the right word.

14 "He's obstructing something."

15 Q. BY MR. HILL: So, sir, in your view, even

16 someone who is a security prisoner because they've

17 engaged in nonviolent protests is, nonetheless, a

18 terrorist?

19 Is that what you're saying?

20 A. He's not a terrorist.

21 Q. Okay. So you would agree with me, then,

22 that there are some Palestinians who are security

23 prisoners imprisoned by Israel who are not terrorists;

24 right?

25 A. That's correct, in the pure sense of the word.

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1 as PA/PLO payments to terrorists and their families,

2 that's on pages 25 to 27 of Exhibit 420?

3 A. No.

4 Q. Look, if you will, at page 27, and I'll refer

5 you to "VI."

6 OFFICIAL INTERPRETER NE'EMAN: Could I ask

7 for a break?

8 MR. HILL: Sure. Let's go off the record.

9 (Recess from 2:22 p.m. to 2:32 p.m.)

10 Q. BY MR. HILL: Mr. Eviatar, we were looking

11 at Exhibit 420 before the break. Calling your attention

12 again to the bottom of page 27, which is "VI," entitled:

13 "Part Five - The Palestinian Ministry of

14 Prisoners and Released Prisoners' Affairs."

15 Do you see that, sir?

16 A. Yes.

17 Q. And that section of Exhibit 420 starts on

18 page 27 and continues through page 38; correct?

19 A. Correct.

20 Q. And you would agree with me, sir, that

21 not every Palestinian security prisoner who is in

22 an Israeli prison is a terrorist; right?

23 A. Could you repeat the question?

24 Q. You would agree with me that not every

25 Palestinian security prisoner who is in an Israeli

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1 Q. Would you agree with me, sir, that someone

2 who is a Palestinian security prisoner because they

3 have thrown stones at IDF personnel is not a terrorist?

4 A. I agree with the definition.

5 Q. Would you agree with me, sir, that someone

6 who is a Palestinian who is a security prisoner because

7 they are a member of an illegal organization, is not,

8 for that reason alone, a terrorist?

9 A. I agree.

10 Q. Okay. You would agree, sir, that Palestinians

11 have the right, under international law, to resist the

12 occupation by engaging with IDF forces; correct?

13 MR. YALOWITZ: Objection. Calls for a legal

14 conclusion. Beyond the scope.

15 Q. BY MR. HILL: Go ahead.

16 A. That issue is not part of my responsibilities.

17 It's not part of my field.

18 Q. You don't know anything about whether

19 Palestinians have the right, under international law,

20 to resist IDF forces in occupied territory?

21 Is that what you're saying?

22 A. I am not proficient in international law.

23 Q. Did you ever express an opinion on that

24 issue while you worked for the IDF?

25 A. No.

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1 Q. We talked earlier about the basis for the  
2 information that's in Exhibit 420; right?  
3 A. Yes.  
4 Q. I need to ask you similar questions about  
5 the rest of the report. I'm going to try and do it  
6 as a group, if we can, and maybe we'll get through it  
7 faster. Maybe we can't, but we'll give it a try. Okay?  
8 A. Please. Go ahead.  
9 Q. So with respect to "Part Five," which begins  
10 on page 27, through "Part Eleven," which continues  
11 through page 88, with respect to those sections of  
12 the report that we haven't yet discussed, have you  
13 had any conversations with Palestinians about those  
14 subjects?  
15 A. Are you referring, in your question, to all  
16 of the material that appears from page 27 to -- till  
17 the end of page 88?  
18 Q. I'm trying to do it as a group, if it's  
19 possible. If it's not, we'll do them one by one.  
20 But let's see if we can do it this way.  
21 Can you tell me whether, for that material  
22 from page 27 to the end of the report, you've had  
23 conversations with Palestinians on any of those topics?  
24 A. With your permission, I'd like to review  
25 the pages.

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1 information about specific terrorist attacks, I did  
2 not speak with Palestinians about that.  
3 Q. So just so the record is clear, are you  
4 saying that, on page 69, the paragraph that starts  
5 as 7 and has letters that continue to page 72, that  
6 that paragraph is something that you have not spoken  
7 to Palestinians about?  
8 A. Correct.  
9 Q. And your job did not require you to have  
10 any responsibilities with respect to the particular  
11 attack that's discussed in that paragraph 7, which  
12 begins on page 69 and goes to page 72; correct?  
13 A. The attacks -- the specific attacks?  
14 Q. Yes, sir.  
15 A. Correct.  
16 Q. That happened in Jerusalem at a time when  
17 you were working in Jericho; right?  
18 A. Correct.  
19 Q. Is it also the case that, to the extent  
20 you're relying on documents for the information that's  
21 in paragraph 7, which goes from page 69 to page 72,  
22 that those documents are disclosed in those pages  
23 of Exhibit 420?  
24 A. To the best of my recollection, the  
25 information that appears here is taken from documents

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1 Q. Of course. Please do so.  
2 A. (Examining.) Yes, I remember conversations  
3 that I had with Palestinians on these subjects that  
4 appear here.  
5 Q. Are any of the subjects that you've just  
6 reviewed subjects that you cannot recall having a  
7 conversation with a Palestinian about?  
8 A. I'd like to look at the pages again, because  
9 now that's a different question.  
10 Q. Please do.  
11 A. (Examining.) Yes. For example --  
12 MR. YALOWITZ: I'm sorry. I need to go off  
13 the record for one second.  
14 (Recess from 2:45 p.m. to 2:46 p.m.)  
15 Q. BY MR. HILL: The witness was in the middle  
16 of an answer, I think.  
17 Please continue your answer, sir.  
18 A. For example, I did not speak with Palestinians  
19 about the details of the terrorist attacks that appear  
20 here.  
21 Q. Which section are you referring to, sir?  
22 A. I'll look, with your permission.  
23 Q. Of course.  
24 A. For example, the sections of paragraph 7,  
25 on page 69, that detail -- that provide detailed

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1 that are relevant to the report.  
2 Q. So what you're doing in paragraph 7, on  
3 pages 69 through 72, is summarizing documents that  
4 you reviewed?  
5 Is that fair to say?  
6 A. You could say that.  
7 Q. And you don't have any personal knowledge  
8 of that particular event, do you, sir?  
9 A. Yes, correct.  
10 Q. You agree with me?  
11 A. Yes.  
12 Q. Have you received any classified information  
13 about the event that's described in paragraph 7, on  
14 pages 69 through 72?  
15 A. I'd like to review the sections once more.  
16 Q. Of course.  
17 A. (Examining.) No, there's no classified  
18 information here.  
19 Q. I just want to make sure the question  
20 was clear. I wasn't asking if there was classified  
21 information in Exhibit 420. I was asking if you have  
22 ever received classified information about the event  
23 that is described in paragraph 7, on pages 69 to 72.  
24 A. No.  
25 Q. All right. Apart from that example, are

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1 there any other portions of the report, from pages 27  
2 to the end, where you cannot [sic] recollect having  
3 a conversation with a Palestinian about that subject  
4 matter?  
5 A. That I had a conversation or that I did not  
6 have a conversation?  
7 Q. To return to the big picture, if we can,  
8 I'm trying to find out if there are any portions of  
9 the report, from page 27 to the end, where, sitting  
10 here today, you cannot recollect having a conversation  
11 with any Palestinian about that subject matter.  
12 You have told me about one. Are there others?  
13 A. With respect to which I did not have  
14 conversations with Palestinians; correct?  
15 Q. Yes, sir.  
16 A. From a fast review of the pages, I don't  
17 recognize another significant subject with regard  
18 to which I did not have any conversations with  
19 Palestinians in that respect.  
20 Q. Well, then, let's return to page 27. Look  
21 at "VI," which is "Part Five," the subject of which is:  
22 "The Palestinian Ministry of Prisoners and  
23 Released Prisoners' Affairs."  
24 Do you see that, sir?  
25 A. Yes.

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1 Q. Okay. Have you now told me the full  
2 recollection you have of this conversation with  
3 Mr. Aweis?  
4 A. The other thing he told me is that he's  
5 proud of all the terrorist attacks that he perpetrated  
6 and that he would do it again.  
7 Q. Okay. Have you now told me your full  
8 recollection of the conversation with Mr. Aweis?  
9 A. Yes.  
10 Q. Where did you meet Mr. Aweis?  
11 A. In the Hadarim Prison in Israel.  
12 Q. When did you meet Mr. Aweis?  
13 A. Approximately two years ago.  
14 Q. How long did you speak with Mr. Aweis?  
15 A. Fifteen, 20 minutes.  
16 Q. Why did you meet with Mr. Aweis?  
17 A. I was at the prison within the framework of  
18 a staff visit, a professional staff visit on behalf of  
19 several organizations, and. We conducted a professional  
20 visit to the prison. We went into his cell, I met him,  
21 and I started to speak with him.  
22 Q. What organizations were you acting on behalf  
23 of in this instance?  
24 A. It was in the framework of the Office for  
25 the Coordination of Government Activities in the

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1 Q. And that section begins on page 27 and goes  
2 through page 38; right?  
3 A. Correct.  
4 Q. With respect to that section, can you  
5 recollect any conversations with any Palestinians  
6 about that subject matter?  
7 A. Another moment, please. I wish to review  
8 the material.  
9 Q. Of course.  
10 A. (Examining.) I don't recall a specific  
11 conversation with a particular Palestinian that  
12 dealt with a specific -- with any specific section.  
13 I remember conversations that I had with Palestinians,  
14 generally speaking, with respect to the issues that  
15 appear in the report.  
16 Q. Tell me, sir, to the best of your  
17 recollection, everything you can recall about these  
18 conversations you've just referenced with Palestinians  
19 about the subject matter of "Part Five" of Exhibit 420.  
20 A. I remember a conversation that I had with  
21 a terrorist Nasser Aweis in a prison in Israel, who  
22 talked about -- talked about the fact that he received  
23 support, both material support as well as emotional  
24 support, from the Palestinian Authority, from the Fatah,  
25 from his family, for everything that he did.

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1 Territories.  
2 Q. Any other organizations you were acting  
3 on behalf of in this instance?  
4 A. No.  
5 Q. Was anyone else present when you spoke to  
6 Mr. Aweis?  
7 A. There were other people there, certainly.  
8 Q. Do you know their names?  
9 A. (Translated.) I don't recall who specifically  
10 was with me.  
11 (In English.) Sorry.  
12 (Translated.) Excuse me. Yuval Biton from  
13 the Israel Prison Service was there.  
14 Q. Okay. Can you give me the name of anyone  
15 else who was present other than yourself, Mr. Aweis,  
16 and Mr. Biton?  
17 A. I don't recall.  
18 Q. Was any record made of this conversation?  
19 A. No.  
20 Q. Have you now told me everything you can  
21 remember about this conversation with Mr. Aweis?  
22 A. Definitely.  
23 Q. Did Mr. Aweis say whether the support he  
24 referenced was the time after he was imprisoned?  
25 A. Yes.

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1 Q. Your recollection is he was referring to  
2 support he received after he was in prison; correct?  
3 A. Yes.  
4 Q. Probably the last time I'll ask, but can  
5 you think of anything else about this conversation  
6 you haven't told me?  
7 A. There's nothing further.  
8 Q. Apart from the conversation with Mr. Aweis,  
9 can you recollect any other conversations with  
10 Palestinians about the subject matter of "Part Five"  
11 of Exhibit 420, which runs from 27 to 38 in the report?  
12 A. Just a moment, please. I don't recall an  
13 additional conversation.  
14 Q. Okay. To the extent you are relying on  
15 documents in "Part Five" of the report, for the material  
16 that's contained in "Part Five" of the report, from  
17 pages 27 to 38, are those documents disclosed in that  
18 section of the report?  
19 A. Can you repeat the question?  
20 Q. To the extent you are referring to documents  
21 in "Part Five" of the report, which is from pages 27  
22 to 38, are those documents disclosed in "Part Five"  
23 of the report?  
24 A. All of the documents that I refer to are  
25 cited here.

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1 A. Yes.  
2 Q. Where are those writings today?  
3 A. Those are documents that were distributed  
4 within the defense establishment.  
5 Q. Tell me what you wrote in these documents  
6 that were distributed within the defense establishment  
7 about the Palestinian Ministry of Prisoners and Released  
8 Prisoners' Affairs?  
9 A. From what I remember, I and my team wrote  
10 about the anti-Israeli activity that the minister  
11 and his ministry were engaged in. For example, lying  
12 statements on the part of the minister to the media.  
13 I'm trying to recall additional subjects.  
14 For example, with respect to the issue of payments  
15 to the prisoners and the families, as it was published  
16 in the Palestinian media, benefits that were distributed  
17 to prisoners, about visits that the minister had in  
18 the homes of the families of the terrorists, and other  
19 additional subjects that I don't recall at the moment.  
20 Q. Have you now told me about everything you  
21 can recall writing about concerning the Palestinian  
22 Ministry of Prisoners and Released Prisoners' Affairs,  
23 other than Exhibit 420?  
24 A. Yes.  
25 Q. Did that prior writing that you've

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1 Q. Have you ever received any classified  
2 information about the subject of "Part Five" of the  
3 report concerning the Palestinian Ministry of Prisoners  
4 and Released Prisoners' Affairs?  
5 A. No.  
6 Q. Did your job responsibilities in the IDF  
7 cause you to have any interaction with the Palestinian  
8 Ministry of Prisoners and Released Prisoners' Affairs?  
9 A. My job involved gathering -- the collection  
10 of information regarding that ministry.  
11 Q. Tell me what you mean by that.  
12 A. I studied, I researched, investigated.  
13 I gathered information. I analyzed it. Everything  
14 that's related to the activity of the minister and  
15 his ministry.  
16 Q. Any other work you did in connection with  
17 the Palestinian Ministry of Prisoners and Released  
18 Prisoners' Affairs?  
19 A. No.  
20 Q. When did you do this work that you've just  
21 described relating to the Palestinian Ministry of  
22 Prisoners and Released Prisoners' Affairs?  
23 A. From 1998 until 2013.  
24 Q. Did you produce any writings reflecting  
25 the work you have described?

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1 described -- I'll start the question again.  
2 Did you take into consideration the  
3 prior writing you've described in preparing "Part  
4 Five" of Exhibit 420?  
5 MR. YALOWITZ: Objection. Vague.  
6 THE WITNESS: No.  
7 Q. BY MR. HILL: Do you believe that prior  
8 writing and work is relevant to "Part Five" of  
9 Exhibit 420?  
10 MR. YALOWITZ: Objection. Calls for a  
11 legal conclusion.  
12 Q. BY MR. HILL: Go ahead.  
13 A. Part of what I wrote is identical to what  
14 is written here.  
15 Q. Did you copy your prior writing and place  
16 it into Exhibit 420?  
17 A. Never.  
18 Q. How can it be identical, then?  
19 A. It's identical in terms of the subjects,  
20 not in the sense of the words themselves.  
21 Q. If I wanted to obtain your prior writings  
22 for the IDF on these subjects, could I do so?  
23 A. Through me?  
24 Q. In any fashion.  
25 A. You could contact any official entity with

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1 that request.

2 Q. Which entity should I contact to get

3 your prior writings on the subject of "Part Five"

4 of Exhibit 420?

5 A. The entity that I worked for is called COGAT.

6 Q. Did all of the work you described as relating

7 to the Palestinian Ministry of Prisoners and Released

8 Prisoners' Affairs take place for that entity?

9 A. Yes.

10 Q. And for what years were you employed by that

11 entity?

12 A. From 1998 until 2013.

13 Q. During what years, in the period between

14 1998 and 2013, did you author the documents that

15 you've been describing here as relating to "Part Five"

16 of Exhibit 420?

17 MR. YALOWITZ: Objection. Misstates the

18 record.

19 THE WITNESS: During the -- over the course

20 of all of those years. I do not recall a specific year.

21 Q. BY MR. HILL: Were you preparing documents

22 of this type while you were working in Jericho?

23 A. I approved documents that my people wrote.

24 Q. Did you actually write any documents on

25 this subject, sir?

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1 Q. If your name doesn't appear, how would COGAT

2 know that you were the author?

3 A. I headed a department that wrote all of those

4 papers -- all of the papers. And on the basis of the

5 various periods of time, everything that that department

6 wrote and distributed, I am responsible for that.

7 Q. What is the name of the department you're

8 referring to that wrote these documents?

9 A. Palestinian Consulting. Consulting on

10 Palestinian Affairs.

11 Q. Okay. And for which years were you the

12 head of the Department of Consulting on Palestinian

13 Affairs?

14 A. It was divided according to years. From

15 1998 to 2000, I was in charge of that function in

16 Bethlehem and Nablus. From 2004 to 2006, I was

17 responsible for that department in the Gaza district.

18 From 2006 to 2007, I was responsible for that position

19 in Judea and Samaria. And from 2007 to 2013, I

20 was responsible for that department in -- at the

21 headquarters of the department in Tel Aviv.

22 Q. Okay. And to the best of your recollection,

23 did you author papers on the subject of the Palestinian

24 Ministry of Prisoners and Released Prisoners' Affairs

25 during all of the periods you've just described?

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1 A. Yes.

2 Q. During which years did you personally write

3 documents on this subject?

4 A. To the best of my recollection, with the

5 exception of the years in which I was the commander

6 of Jericho, during all of the other years, I wrote

7 papers myself, in addition -- in addition to papers

8 that were written by other people that I approved.

9 Q. If I wanted to obtain from COGAT the

10 documents you wrote yourself about this subject,

11 what should I ask them to give me?

12 A. That depends on what he wants to know.

13 I don't know what he's looking for.

14 Q. I'm looking for everything that you've

15 previously written on the subject of the Palestinian

16 Ministry of Prisoners and Released Prisoners' Affairs.

17 So let's -- let me ask you a different

18 question.

19 If you wanted to get that material, what

20 would you ask COGAT to give you?

21 A. I would ask them to give me all of the

22 documents that deal with this subject.

23 Q. Does your name appear on the documents that

24 you wrote regarding this subject?

25 A. On some of them, yes.

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1 A. To the best of my recollection, yes.

2 Q. Are the papers you have described available

3 to the public?

4 A. The documents that I distributed are not

5 available to the public.

6 Q. So if I were to ask for them, would you

7 expect the IDF would not give them to me?

8 A. I do not know.

9 Q. Do you know if the documents you authored

10 are subject to withholding under the Israeli Freedom

11 of Information Act for any reason?

12 MR. YALOWITZ: Objection. Calls for a legal

13 conclusion.

14 Go ahead.

15 THE WITNESS: I do not know.

16 Q. BY MR. HILL: Were the documents you've

17 described published in any fashion?

18 A. I have no idea.

19 Q. Are they available on an IDF website?

20 A. I believe that they are not.

21 Q. Have you now told me everything you can

22 recollect about your prior writing on the subject

23 of the Palestinian Ministry of Prisoners and Released

24 Prisoners' Affairs?

25 A. Yes.

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1 Q. We've been talking about "Part Five" relating  
2 to the Palestinian Ministry of Prisoners and Released  
3 Prisoners' Affairs.

4 For the preceding parts of your report, did  
5 you do any other writing on those subjects for the IDF?

6 A. Is he referring to the sections up to  
7 section "Four"?

8 Q. Yes, sir.

9 A. I wish to review the pages.

10 Q. Please do so.

11 A. (Examining.) The answer is "yes."

12 Q. Okay. What other prior writing have you  
13 done for the IDF pertaining to the prior portions of  
14 Exhibit 420?

15 A. For example, papers, documents were written  
16 on the treatment of Palestinian collaborators.

17 Q. Any other writing you've done for the IDF  
18 pertaining to the topics in your report?

19 A. Yes. For example, I wrote papers about  
20 Marwan Barghouti.

21 Q. Okay. Any other writing you've done for  
22 the IDF that pertains to the topics in Exhibit 420?

23 A. All of it?

24 Q. Yes, sir.

25 A. Yes. For example, I wrote papers, documents,

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1 A. Yes.

2 Q. And are any of the documents you've described  
3 as writing for the IDF that relate to Exhibit 420  
4 available to the public?

5 A. Nothing is available to the public.

6 Q. All right. Are any of the documents that  
7 you've described as writing for the IDF that relate  
8 to Exhibit 420 subject to secrecy or classification  
9 rules?

10 MR. YALOWITZ: Objection. Misstates the  
11 testimony. Calls for a legal conclusion.

12 THE WITNESS: All of the documents  
13 are classified, and they are within the defense  
14 establishment.

15 Q. BY MR. HILL: And therefore, sir, you would  
16 expect that, if I ask the IDF to give me the materials  
17 you've described as writing while you worked for the  
18 IDF that relate to Exhibit 420, I would not be able  
19 to get them?

20 Is that fair to say?

21 MR. YALOWITZ: Objection. Misstates the  
22 testimony.

23 THE WITNESS: I don't know.

24 Q. BY MR. HILL: Do you believe, if you asked  
25 for these materials, that the IDF would give them to

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1 about the ideological and political concepts of the PLO,  
2 of the Palestinian Authority, and the Fatah.

3 Q. Anything else?

4 A. May I have another moment, please?

5 Q. Of course.

6 A. (Examining.) Yes. And I just remembered  
7 two other subjects. One key significant subject is  
8 that of the Palestinian incitement as it manifested  
9 in the media. And another subject -- and another  
10 subject is the atmosphere, the public opinion and  
11 the prevalent thought among the Palestinian public  
12 during the course of the years that the report refers  
13 to.

14 Q. Any other writing you've done for the IDF  
15 that you believe is relevant to Exhibit 420?

16 MR. YALOWITZ: Objection. Misstates the  
17 testimony. Calls for a legal conclusion.

18 THE WITNESS: That's relevant or that's not  
19 relevant?

20 Q. BY MR. HILL: That is relevant.

21 A. I don't recall.

22 Q. Would you agree with me, sir, that the prior  
23 work you've described, performing the writing on these  
24 various subjects, is something you had in mind as you  
25 worked on Exhibit 420?

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1 you?

2 (Brief exchange in Hebrew between Official  
3 Interpreter Ne'eman and the witness.)

4 THE WITNESS: I assume not, because they're  
5 secret.

6 Q. BY MR. HILL: Turn, if you will, to page 38  
7 of your report. I'd like to refer you to "VII," which  
8 is:

9 "Part Six - The Release of Terrorist Prisoners  
10 by the PA - The 'Revolving Door' Policy."

11 Do you see that, sir?

12 A. Yes.

13 Q. And that section continues from page 38 to  
14 page 43; correct?

15 A. Correct.

16 Q. Do you recall having any conversations with  
17 Palestinians about the subject of "Part Six" of this  
18 report?

19 A. I had conversations with Palestinians on  
20 the subject of the "revolving door," generally speaking.

21 Q. Can you tell me everything you can presently  
22 recall about the conversations you've just described?

23 A. Yes. Shall I be specific?

24 Q. Please do so.

25 A. I currently remember, when I was the

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1 commander of the Jericho region, I was engaged in the  
2 subject of the revolving door in the context of those  
3 Palestinian terrorists that were held in detention by  
4 the Palestinian Authority in the Jericho region.

5 Q. Anything else you can recall about those  
6 conversations?

7 A. We, as the Israeli side, we were afraid --  
8 we were afraid of the release of terrorists within  
9 the framework of what was termed the "revolving door"  
10 policy from the detention -- their exit from the  
11 detention of the Palestinian Authority in Jericho.

12 Q. Anything else you can tell me about those  
13 conversations?

14 A. I remember, for example, the sympathetic  
15 and the warm treatment that those detainees received  
16 in the detention of the Palestinian Authority.

17 Q. Okay. Anything else you can tell me about  
18 conversations with Palestinians about "Part Six" of  
19 Exhibit 420?

20 A. Not that I recall at the moment.

21 Q. Can you tell me the name of any Palestinian  
22 you spoke to about that subject?

23 A. I don't recall names.

24 Q. While you worked for the IDF, did you ever  
25 do any writing about the subject of "Part Six" of

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1 MR. YALOWITZ: Objection. Vague.

2 THE WITNESS: What do you mean by "work"?

3 Q. BY MR. HILL: Well, you've done some writing  
4 in Jericho for the IDF about the subject of "Part Six"  
5 of Exhibit 420; right?

6 A. I didn't hear the question well. Can you  
7 repeat it, please?

8 MR. HILL: Sure. We'll have her read it  
9 back, then.

10 (Pending question read.)

11 THE WITNESS: No.

12 Q. BY MR. HILL: Did you do writing while you  
13 were working in Jericho about the "revolving door"  
14 policy?

15 A. Not regarding the policy, but generally  
16 speaking.

17 Q. And that work you've done generally on the  
18 subject is something that you have in your mind today;  
19 right?

20 MR. YALOWITZ: Objection. Vague and  
21 ambiguous.

22 THE WITNESS: Can you repeat the question?

23 Q. BY MR. HILL: Yes. You still have in your  
24 mind the work that you did on this subject in Jericho;  
25 right?

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1 Exhibit 420?

2 A. (In English.) This is --  
3 (Translated.) That's the section that we're  
4 currently speaking about?

5 Q. Yes. This is "Part Six", that goes from  
6 page 38 to page 43.

7 A. I remember that we wrote, when I was in  
8 Jericho, about the subject that I just spoke about.

9 Q. Apart from the writing in Jericho that  
10 you're recollecting, did you do any other writing  
11 while you worked for the IDF about the subject that  
12 is "Part Six" of Exhibit 420?

13 A. I don't recall anything at the moment.

14 Q. The document or documents you recall writing  
15 while you were in Jericho about this subject, are those  
16 publicly available?

17 MR. YALOWITZ: Objection. Vague.

18 THE WITNESS: No.

19 Q. BY MR. HILL: Are the document or documents  
20 you wrote, that you've described in Jericho about the  
21 subject of "Part Six" of Exhibit 420 classified?

22 A. Yes.

23 Q. And as you worked on Exhibit 420, did you  
24 have in your mind the prior work you had done in  
25 Jericho, as you've described it here today?

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1 MR. YALOWITZ: Objection. Vague.

2 THE WITNESS: I don't have that specific work  
3 in my head. I have my familiarity and my proficiency  
4 in the modes of operation of the Palestinian Authority  
5 in that respect over the course of the years.

6 Q. BY MR. HILL: That's part of your work  
7 experience from your time in Jericho; right?

8 A. Also.

9 Q. Did you draw on that experience in working  
10 on Exhibit 420?

11 A. No.

12 Q. Nothing from your prior work informed what  
13 you did on Exhibit 420; correct?

14 A. Is he talking about the entire exhibit?

15 Q. "Part Six."

16 A. As I stated previously, I'm familiar, over  
17 the course of the years, with the policy and the modes  
18 of operation of the Palestinian Authority on the subject  
19 of the revolving door in its entirety.

20 Q. And that familiarity you utilized in working  
21 on Exhibit 420; right?

22 A. With respect to this section of Exhibit 420,  
23 it's based upon the relevant sources that appear in the  
24 work.

25 Q. Okay. Are you saying that your prior work

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1 experience had no effect on what is written in "Part  
2 Six" of Exhibit 420?

3 A. What are you referring to when you say my  
4 "work experience"?

5 Q. Did your prior work experience inform what  
6 is written in "Part Six" of Exhibit 420 in any fashion?

7 A. The professional tools that I acquired  
8 over the course of the years, my deep familiarity  
9 and proficiency with the various Palestinian entities,  
10 methods of analysis and gathering of information,  
11 ability to comprehend, all of these things, together  
12 with my deep familiarity with the Palestinian media  
13 and my understanding of how to approach open sources,  
14 all of those things are tools that I've acquired which  
15 assist me with this work.

16 Q. Okay. You would agree that the prior work  
17 you did in Jericho about the "revolving door" policy  
18 informed your judgment in working on Exhibit 420?

19 Correct?

20 MR. YALOWITZ: Objection. Vague. Asked and  
21 answered.

22 THE WITNESS: No.

23 Q. BY MR. HILL: Your prior work experience on  
24 the "revolving door" policy of Jericho did not inform  
25 your judgment in working on 420; correct?

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1 MR. HILL: Is it on a matter of privilege?

2 MR. YALOWITZ: No.

3 MR. HILL: Then I don't think it's appropriate  
4 to be asking questions during my examination. I would  
5 ask that you refrain from doing so.

6 MR. YALOWITZ: I hear you. I just want to  
7 ask one thing.

8 MR. HILL: The record should reflect that  
9 the witness and Mr. Yalowitz are stepping out of the  
10 room.

11 MR. YALOWITZ: It will be less than a minute.  
12 Bear with us.

13 (Recess from 4:04 p.m. to 4:05 p.m.)

14 MR. YALOWITZ: Okay. Thank you for that.

15 Q. BY MR. HILL: Mr. Eviatar, before we took  
16 the break, Mr. Yalowitz was whispering something in  
17 your ear.

18 What did he say?

19 A. He asked about a document that I had located  
20 in the Palestinian media after this report was written,  
21 a document that was not cited here. And it's extremely  
22 relevant to the report.

23 Q. Okay. And then the two of you stepped outside  
24 of the room.

25 What was said outside of the room?

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1 A. Correct.

2 MR. HILL: All right. Let's take a break.  
3 (Recess from 3:50 p.m. to 4:01 p.m.)

4 Q. BY MR. HILL: Mr. Eviatar, turn, if you would,  
5 to page 43 of Exhibit 420. I would like to call your  
6 attention to what is "VIII," entitled:

7 "Part Seven - Fatah's Terrorist Operations  
8 Between 2000 and 2004 Under the Auspices of the PA  
9 and PLO."

10 Do you see that, sir?

11 A. Yes.

12 Q. And that section begins on page 43 and  
13 continues through page 55; correct?

14 A. Correct.

15 Q. Are all the documents that you rely on in  
16 connection with that section disclosed in that section  
17 of Exhibit 420?

18 A. Again, I'd like to ask the question again.

19 Q. Are all the documents that you relied on  
20 in connection with "Part Seven," on pages 43 to 55,  
21 disclosed in those pages of Exhibit 420?

22 A. Yes.

23 MR. YALOWITZ: Hold on. I just want to  
24 ask the witness one question. I'm sorry. We can go  
25 off the record for a moment.

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1 A. Does he mean the conversation just now?

2 Q. Yes, sir. Tell me what was said in the  
3 conversation just now in the hall.

4 A. That's exactly what we talked about.

5 Q. Tell me exactly what you said to each other  
6 in the hall just now.

7 A. The attorney asked me which section of the  
8 report the document that I just referred to is relevant.  
9 And I told him that I don't recall precisely which part,  
10 and if it's possible to discuss it, then I'll discuss  
11 it.

12 Q. Okay. Anything else that was said outside  
13 the room?

14 A. No.

15 Q. For the record, you just said "no" in English;  
16 right?

17 A. (In English.) I said "no" in Hebrew. It  
18 sounds similar.

19 Q. Go ahead.

20 A. With his permission --

21 OFFICIAL INTERPRETER NE'EMAN: Can I just  
22 say something? When you refer to him, you should  
23 refer to him as if you're talking to him.

24 THE WITNESS: Okay. I'm sorry.

25 With your permission, I remembered with

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1 respect to the previous questions that you asked --  
 2 you asked whether I remember names of additional  
 3 Palestinians who had official positions in the  
 4 Palestinian Authority and the Fatah, whom I spoke  
 5 with on the subjects that appear in the report.

6 And if he's interested, I can give him the  
 7 names of those Palestinians -- excuse me -- if you are  
 8 interested, I can tell you the names of the additional  
 9 Palestinians with whom I spoke who I remember.

10 Q. BY MR. HILL: Okay. Did you talk with  
 11 the lawyers about telling me additional names of  
 12 Palestinians?

13 A. Yes, I told him that I remember that there  
 14 are several more.

15 Q. And who started this conversation about how  
 16 you could remember more names of Palestinians?

17 A. I said it.

18 Q. You said this to Mr. Yalowitz?

19 A. Yes.

20 Q. When did you talk with him about this?

21 A. During the previous break, I believe.

22 Q. Okay. Have you had other conversations  
 23 with the lawyers today about the substance of your  
 24 testimony while on breaks?

25 A. No.

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1 of Exhibit 420.

2 A. I recall a conversation that I had with  
 3 Ahmed Hilles about the status of the Fatah movement  
 4 in the Gaza Strip prior to the disengagement.

5 Q. Can you tell me anything else about this  
 6 conversation with Mr. Hilles, other than what you  
 7 have already said today?

8 A. I don't recall any additional details.

9 Q. Do you recall anything else about that  
 10 conversation at all?

11 A. I remember that, as far as I was concerned,  
 12 it had professional importance.

13 Q. Okay. Can you tell me anything else about  
 14 that conversation with Mr. Hilles, other than what  
 15 you've already said?

16 A. I remember that my conversation with him --  
 17 that I wrote a report about my conversation with him  
 18 and I sent it to all of the intelligence entities at  
 19 that time.

20 Q. Okay. Can you tell me anything else about  
 21 your conversation with Mr. Hilles, other than what  
 22 you've already told me?

23 A. There's nothing further that I remember.

24 Q. The report you wrote, is it classified?

25 A. It's classified. Yes.

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1 Q. How did you come to remember additional names?

2 A. It's a question of time.

3 Q. Did you look at any documents?

4 A. No, not at all.

5 Q. Did anyone suggest the name to you?

6 A. No.

7 Q. So what are the additional names of  
 8 Palestinians that you now recall speaking to about  
 9 the subjects of Exhibit 420?

10 A. I will specify names. One, Ahmed Hilles,  
 11 who is the head of the Fatah movement in the Gaza Strip.  
 12 The second one is Adnan Samara, who served as the head  
 13 of the Revolutionary Council of the Fatah. Hisham  
 14 Abdel-Razek, who was the minister of prisoners in the  
 15 Palestinian Authority. Sufian Abu Zaida, who was also  
 16 a senior figure in the Fatah, and he served as minister  
 17 of prisoners -- of Palestinian prisoners. Those are  
 18 the names that I recall.

19 Q. Okay. So now you recall conversations with  
 20 these four individuals about the subject matter of  
 21 Exhibit 420?

22 A. I remember that we spoke generally, speaking  
 23 about the subjects here.

24 Q. Tell me what you recollect of having a  
 25 conversation with Ahmed Hilles about the subjects

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1 Q. Tell me everything you can recollect about  
 2 your conversations with Adnan Samara that relate to  
 3 Exhibit 420.

4 A. I remember that I conducted several  
 5 conversations with him with respect to the Fatah  
 6 movement in Judea and Samaria, with respect to the  
 7 elections in the Palestinian Authority, with respect  
 8 to the status of the Palestinian Authority, about him,  
 9 himself. Those are the things that I remember.

10 Q. Okay. Can you now remember anything else  
 11 about conversations with Adnan Samara that you haven't  
 12 told here today?

13 A. I don't recall anything further.

14 Q. Did you make a record of that conversation  
 15 or series of conversations?

16 A. Yes.

17 Q. Is that also a classified document?

18 (Brief exchange in Hebrew between Official  
 19 Interpreter Ne'eman and the witness.)

20 THE WITNESS: (In English.) Can you --

21 (Translated.) Can you repeat the question?

22 Q. BY MR. HILL: Is the record of the  
 23 conversations you had with Adnan Samara also a  
 24 classified document?

25 A. Yes.

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1 Q. Have you now told me everything you can  
 2 recollect about conversations with Adnan Samara?  
 3 A. Yes.  
 4 Q. Tell me everything you can recollect about  
 5 conversations with Hisham Abdel-Razek?  
 6 A. I remember one particularly salient  
 7 conversation that I called Hisham Abdel-Razek after  
 8 a Qassam fell on his home, a Qassam rocket fell on  
 9 his home, and his son had been injured. And I asked  
 10 him whether he was in need of any assistance. And I  
 11 went to visit his son in the hospital. I met Hisham  
 12 after that, and he thanked me for my personal attention,  
 13 individual attention for his son.  
 14 Q. Can you recollect anything else about  
 15 conversations with Hisham Abdel-Razek?  
 16 A. My conversations with him were general about  
 17 the Palestinian Authority, about the Fatah, and the  
 18 Gaza Strip, during the period of time that I was in  
 19 Gaza.  
 20 Q. Okay. Any other information you can remember  
 21 about conversations with Hisham Abdel-Razek that you  
 22 haven't told me about today?  
 23 A. There's nothing further.  
 24 Q. Did you make a record of those conversations  
 25 with Hisham Abdel-Razek that you've described today?

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1 including those from Hamas, from the prisons.  
 2 Q. Can you remember anything else about the  
 3 conversations with Sufian Abu Zaida other than what  
 4 you've told me about today?  
 5 A. I don't recall anything further.  
 6 Q. Did you make a record of any of these  
 7 conversations with Sufian Abu Zaida?  
 8 A. Definitely.  
 9 Q. Is that record classified?  
 10 A. Yes.  
 11 Q. Earlier today you mentioned some other  
 12 conversations you had with Palestinians.  
 13 Is it fair to say that you made records of  
 14 all of those conversations?  
 15 A. I estimate that between 90 and 100 percent  
 16 of the conversations that I conducted with the  
 17 Palestinians during all the years of my service,  
 18 that I wrote them down in the form of documents.  
 19 Q. And am I right in thinking that all of those  
 20 documents are classified?  
 21 A. Yes.  
 22 Q. Sitting here today, can you think of any  
 23 other conversations you've had with Palestinians about  
 24 the subjects contained in Exhibit 420 that you haven't  
 25 yet told me about?

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1 A. Yes.  
 2 Q. Is that record classified?  
 3 A. Yes.  
 4 Q. Can you remember anything else about  
 5 conversations with Hisham Abdel-Razek that you haven't  
 6 told me about today?  
 7 A. I don't recall anything further.  
 8 Q. Okay. Tell me everything you know or can  
 9 recollect about conversations with Sufian Abu Zaida.  
 10 A. My conversations with Sufian were primarily  
 11 when I served -- at the time that I served in Gaza and  
 12 after he left for Ramallah. And we talked about the  
 13 status of the Palestinian Authority, of the Fatah,  
 14 and the Hamas.  
 15 Q. Can you tell me anything else about those  
 16 conversations with Sufian Abu Zaida, other than what  
 17 you've just said?  
 18 A. I remember that Sufian expressed a desire  
 19 to make progress in terms of Israeli easements.  
 20 Q. Can you remember anything else about  
 21 conversations with Sufian Abu Zaida, other than  
 22 what you've told me so far today?  
 23 A. I remember that Sufian, both in a lecture  
 24 that I gave and in conversations with me, said that  
 25 Israel must release all of the security prisoners,

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1 A. There are hundreds of Palestinians with whom  
 2 I've discussed the subjects that appear here during  
 3 all of the years of my service. And I don't have  
 4 anything further to say beyond what I stated.  
 5 Q. So just so the record is clear, you cannot  
 6 tell me the names of any other Palestinians that you  
 7 recollect speaking to about the subjects in Exhibit 420,  
 8 other than the ones you've already told me about today;  
 9 correct?  
 10 A. Correct.  
 11 Q. And you can't tell me the substance of any  
 12 of those communications with the Palestinians about  
 13 the subjects that are in Exhibit 420, other than what  
 14 you've already told me about today; correct?  
 15 A. Correct.  
 16 Q. Can you tell me any more writing that you  
 17 did for the IDF related to the topics of Exhibit 420,  
 18 other than what you've already told me today?  
 19 MR. YALOWITZ: Objection. It's a very broad  
 20 question.  
 21 THE WITNESS: Is it possible to repeat the  
 22 question?  
 23 Q. BY MR. HILL: Of course.  
 24 Sitting here today, can you identify any  
 25 additional writing that you did when you were working

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1 for the IDF that pertains to the topics contained in  
2 Exhibit 420, other than what you've already told me  
3 about today?

4 MR. YALOWITZ: Same objection to the breadth  
5 of the question.

6 THE WITNESS: Apart from everything that  
7 I said, I wrote one article that, to the best of  
8 my recollection, is open source. I wrote it for a  
9 magazine for the College of Command and Headquarters.  
10 The article addresses a comparison between the Second  
11 Intifada and the Great Arab Rebellion.

12 Q. BY MR. HILL: Any other writing you've done  
13 that relates to the subjects of Exhibit 420, other  
14 than what you've already told me about today?

15 A. There is nothing further.

16 CHECK INTERPRETER AFRIAT: If I can just  
17 correct, when he spoke before about "Mikhlelet Pikud  
18 u'Mateh," I believe in English it's called the IDF  
19 School of Command.

20 OFFICIAL INTERPRETER NE'EMAN: Thank you.

21 CHECK INTERPRETER AFRIAT: If I recall  
22 correctly.

23 MR. HILL: Rina, do you agree with that  
24 correction?

25 OFFICIAL INTERPRETER NE'EMAN: I don't see

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1 writing is classified; right?

2 (Brief exchange in Hebrew between Official  
3 Interpreter Ne'eman and the witness.)

4 THE WITNESS: That it is classified.

5 Q. BY MR. HILL: Okay. So you would agree with  
6 me, sir, that if I wanted to compare your prior writing  
7 on the subject of "Part Seven" of Exhibit 420 with what  
8 is written in "Part Seven" of 420, that I am unable to  
9 do so because the prior writing is classified; right?

10 MR. YALOWITZ: Objection. Calls for a legal  
11 conclusion and misstates the record.

12 MR. HILL: The witness can respond.

13 THE WITNESS: Can you repeat the question  
14 again, please? I apologize.

15 Q. BY MR. HILL: That's quite all right.

16 You would agree with me, if I wanted to  
17 compare what you wrote for the IDF about the topic  
18 that's in "Part Seven" of Exhibit 420 with what  
19 is written in "Part Seven" of Exhibit 420, I would  
20 not be able to do so because your prior writing is  
21 classified; right?

22 MR. YALOWITZ: Objection. Calls for a legal  
23 conclusion. Misstates the record.

24 THE WITNESS: Correct.

25 Q. BY MR. HILL: You would also agree that if,

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1 any -- it's not a literal translation, but it makes  
2 more sense than the literal translation that I used.  
3 So I don't have a problem with that. And I thank you  
4 for the correction.

5 Q. BY MR. HILL: Back on Exhibit 420, "Part  
6 Seven" on page 43 -- and that runs through page 55 --  
7 you've now told me about all the prior writing you've  
8 done on this subject; right?

9 A. Yes.

10 Q. And all the prior writing you've done on  
11 this subject is classified; correct?

12 MR. YALOWITZ: Objection. Misstates the  
13 testimony.

14 THE WITNESS: I don't understand the last  
15 sentence.

16 Q. BY MR. HILL: You've done prior writing  
17 on the subject that is "Part Seven" of Exhibit 420;  
18 right?

19 A. Generally speaking.

20 Q. Is any of that writing open source?

21 A. My writing was from open sources.

22 Q. Okay. That's not what I'm asking.

23 The prior writing you've done related to  
24 the subject of "Part Seven" of Exhibit 420, that prior  
25 writing that you did while you worked for the IDF, that

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1 for whatever reason, I disbelieved your testimony  
2 here today and I believed that you did not, in fact,  
3 do prior writing about the topic of "Part Seven" for  
4 the IDF, there is no way I can see if, in fact, you  
5 did so because I can't get those records; right?

6 A. I'm requesting that you take the long  
7 question apart and you break it down to different  
8 sections.

9 Q. Sure.

10 MR. YALOWITZ: Objection to the prior  
11 question. Compound.

12 Q. BY MR. HILL: Sir, with no disrespect to you,  
13 assume that I thought you had not actually done the  
14 writing about the topic in "Part Seven" of 420 that  
15 you have testified to here today.

16 Can we make that assumption?

17 A. All right.

18 Q. You would agree with me that there is no  
19 way that I can verify you have done the writing you  
20 have testified about today, because I cannot obtain  
21 those writings from the IDF, as they are classified?

22 MR. YALOWITZ: Objection. Calls for a legal  
23 conclusion.

24 Go ahead.

25 THE WITNESS: Okay.

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1 Q. BY MR. HILL: Do you agree with me?  
2 A. That it's not possible to obtain the  
3 classified documents?  
4 Q. Yes, sir.  
5 A. Correct.  
6 Q. So, therefore, I don't have any way to  
7 verify your testimony that you, in fact, wrote the  
8 things you have claimed to write -- you have claimed  
9 to have written, today; right?  
10 A. I don't agree.  
11 Q. Other than your testimony, how can I verify  
12 that you have done writing for the IDF about the subject  
13 matter of "Part Seven" of Exhibit 420?  
14 A. I don't know what ways you could approach it.  
15 Q. Can you think of any way that I could verify  
16 what you have testified to was your prior writing for  
17 the IDF, other than taking your word for it here today?  
18 A. It's possible to check it.  
19 Q. How could I do so?  
20 A. I can hypothesize that contacting the IDF to  
21 confirm everything that I have stated with respect to  
22 his question, that it's possible that such a possibility  
23 could exist.  
24 Q. Who at the IDF should I contact to verify  
25 the items that you have testified to today with respect

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1 A. I forgot one other commander. His name was  
2 Shimshon Arbel. And to the best of my recollection,  
3 those were my commanders over the course of the years.  
4 Q. Would any of those commanders be able to tell  
5 me the content of the confidential -- I'm sorry -- the  
6 classified documents that you prepared while working  
7 at the IDF?  
8 A. Which commanders? Is that the question?  
9 Q. Would any of the commanders who you've just  
10 named be able to tell me the content of the classified  
11 material that you created while working for the IDF?  
12 A. All of them.  
13 Q. They can tell me classified information?  
14 A. They know what I wrote about. Whether they'll  
15 tell you or not, I don't know.  
16 Q. Well, are they allowed by Israeli law to tell  
17 me, an American lawyer, Israeli classified information?  
18 MR. YALOWITZ: Objection. Calls for a legal  
19 conclusion. Beyond the scope of the witness' expertise.  
20 THE WITNESS: They are prohibited to do so.  
21 Q. BY MR. HILL: You mentioned Arie Spitz  
22 had been one of your commanding officers?  
23 A. Correct.  
24 Q. What years was he your CO?  
25 A. He was my direct commander from 2007 until

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1 to your work for the IDF?  
2 A. All of my commanders over the years.  
3 Q. Okay. What are their names?  
4 A. My most recent commander was General Eitan  
5 Dangot. Before him was General Amos Gilad. Before  
6 him was General Yusef Mishleb. Before him was Brigadier  
7 General Yoav Mordechai. Before him was Brigadier  
8 General Kamil Abu-Rukun. Before him was Brigadier  
9 General Elan Paz. Before him was my commander at  
10 the IDF School of Command. His name was Yariv Krieger.  
11 Before him, my commander was Lieutenant Colonel Moshe  
12 Madar. And before that, it was Lieutenant Colonel  
13 Udi Zerachia. And the last one was Colonel Arie  
14 Spitz. --  
15 Q. So Colonel Spitz --  
16 MR. YALOWITZ: Can we go off the record for  
17 a moment?  
18 MR. HILL: You want to take a break?  
19 MR. YALOWITZ: I don't want to take a break.  
20 I just want to go off the record any place for a moment.  
21 MR. HILL: Sure.  
22 (Discussion held off the record.)  
23 Q. BY MR. HILL: Have you now told me the name  
24 of all of your direct commanding officers for the period  
25 of time when you were employed by the IDF?

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1 2009.  
2 Q. And this is the same Arie Spitz who asked  
3 you to be a witness in this case; right?  
4 A. Arie Spitz did not request that I be a  
5 witness.  
6 Q. This is the same Arie Spitz who first  
7 spoke to you about being a witness for Shurat HaDin  
8 in this case; right?  
9 A. Yes.  
10 Q. There's only one Arie Spitz that you know;  
11 right?  
12 A. Yes.  
13 Q. Let me try and do this as a group.  
14 For the portion of your report that begins  
15 on page 43 as "Part Seven" and running through the  
16 end of the report, to the extent you have relied on  
17 a document, is it fair to say that the document is  
18 disclosed in the report?  
19 A. I used documents that are cited in the report.  
20 Q. Right. Did you use any documents for these  
21 last sections that are not cited in the report?  
22 A. I read hundreds of documents on the Internet  
23 in order to learn and become familiarized with and to  
24 ascertain that what I'm writing is accurate.  
25 Q. So there are hundreds of other documents

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1 that you considered that are not disclosed in the  
2 report; right?

3 A. Yes.

4 Q. And you agree with me that I have no way  
5 of knowing what those hundreds of other documents are;  
6 right?

7 MR. YALOWITZ: Objection. Misstates the  
8 record.

9 THE WITNESS: I don't agree.

10 Q. BY MR. HILL: How can I know what documents  
11 you considered but did not refer to in your report?

12 A. The documents that I read, all of them are  
13 on Palestinian websites and Arab websites and foreign  
14 websites on the Internet. And the documents that I  
15 made use of for the purpose of this report, all of  
16 them appear here.

17 Q. Okay. But the documents that you looked at  
18 on the various websites that you just described, you  
19 agree there is no way for me to figure out what material  
20 on the Internet you looked at, other than what you cited  
21 in your report; right?

22 MR. YALOWITZ: Objection. Misstates the  
23 testimony.

24 THE WITNESS: Correct.

25 (Defendants' Exhibit 427 marked.)

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1 Q. Do you remember reading a portion of Professor  
2 Miller's report that concerned you?

3 A. I don't recall at the moment.

4 Q. Do you recall that Professor Robinson's report  
5 also made some comments about you?

6 A. Yes.

7 Q. And you didn't respond to those comments by  
8 Professor Robinson in your rebuttal report, did you?

9 A. I did respond to them.

10 Q. Did you respond to his comments about you?

11 A. Yes.

12 Q. Where in your rebuttal report did you respond  
13 to Professor Robinson's comments on you?

14 A. For example, with respect to the issue of  
15 the detention and the hosting of Abdullah Barghouti.

16 Q. I see.

17 Do you recall that Professor Robinson had  
18 comments specifically on your qualifications?

19 A. I recall that.

20 Q. And you did not respond to Professor  
21 Robinson's comments on your qualifications in your  
22 rebuttal report; right?

23 A. Correct.

24 Q. Have you ever had a conversation with a  
25 Palestinian about the subject of your rebuttal report,

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1 Q. BY MR. HILL: Mr. Eviatar, I'm handing you  
2 what we've marked as Exhibit 427.

3 Is this a copy of your rebuttal report in  
4 this matter?

5 A. (Examining.) Yes.

6 Q. You reference here the report of Professor  
7 Glen Robinson.

8 Did you read Professor Robinson's report?

9 A. Yes.

10 Q. Did you read any reports of the defendants  
11 other than Professor Robinson's?

12 A. Yes.

13 Q. Who else's reports did you read?

14 A. Miller's report, Shahadeh's report, and one  
15 more. There were four all in all. I don't recall at  
16 the moment.

17 Q. Did you review Laurie Allen's report?

18 A. Yes, Laurie Allen.

19 Q. And for whatever reason, you only responded  
20 to Professor Robinson's report; right?

21 A. Yes.

22 Q. David Miller had written some things about  
23 you; right?

24 A. I assume that he did. I don't recall at the  
25 moment.

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1 which is Exhibit 427?

2 A. With your permission, I'll examine the report.

3 Q. Of course.

4 A. (Examining.) Is it possible to repeat the  
5 question?

6 Q. Yes, sir. Sitting here today, can you recall  
7 having conversations with any Palestinians about any  
8 of the subjects addressed in your rebuttal report,  
9 which is Exhibit 427?

10 A. Yes.

11 Q. Can you recall having any conversations  
12 with Palestinians about the subjects addressed in  
13 your rebuttal report, other than the conversations  
14 that you've already described to me today?

15 A. No.

16 Q. Sitting here today, can you recall doing any  
17 writing for the IDF on any of the subjects contained  
18 in your rebuttal report, which is Exhibit 427?

19 (Brief exchange in Hebrew between Official  
20 Interpreter Ne'eman and the witness.)

21 OFFICIAL INTERPRETER NE'EMAN: "Yes" --  
22 I'm sorry.

23 "Is the question whether I can recall  
24 documents that I have read?"

25 And I said: "Yes."

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1 And he said: "The answer is 'yes.'"  
 2 MR. HILL: I'm not sure that was right.  
 3 Please read the question back.  
 4 (Last question read.)  
 5 MR. HILL: I'll pose a different question.  
 6 I think there may have been a miscommunication. There  
 7 may have been a misunderstanding, which often happens  
 8 at this time of the day. So I'll pose the question  
 9 again.  
 10 Q. BY MR. HILL: Sitting here today, can you  
 11 recall writing any documents while you were working  
 12 at the IDF that pertain to the subjects of your expert  
 13 rebuttal report, which is Exhibit 427?  
 14 A. Yes.  
 15 Q. Can you recall any writing that you did while  
 16 working at the IDF that pertains to the subjects of the  
 17 expert rebuttal report, which is Exhibit 427, other than  
 18 the writings you've already told me about today?  
 19 A. Yes.  
 20 Q. Okay. Please tell me about those writings.  
 21 A. I wrote documents also about the subject of  
 22 the conclusion of the Second Intifada.  
 23 Q. Okay. Any other documents that you wrote  
 24 at the IDF about the subjects of the expert rebuttal  
 25 report, other than the ones you've told me so far?

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1 correct it. Let me rephrase.  
 2 Q. BY MR. HILL: I'm correct, Mr. Eviatar, that  
 3 apart from the one document you wrote that was published  
 4 in the IDF Command School magazine, all of the other  
 5 writing that you've described today is classified?  
 6 Right?  
 7 A. Correct.  
 8 Q. Now, you mentioned that you had also reviewed  
 9 a document that dealt with Palestinian clans and Islamic  
 10 customs; right?  
 11 A. Correct.  
 12 Q. And that document was prepared by someone  
 13 else at the IDF?  
 14 A. Correct.  
 15 Q. And was that document also classified?  
 16 A. Yes.  
 17 Q. Apart from that document, while you were  
 18 at the IDF, did you review other documents that  
 19 pertain to your opinions or that pertain to your  
 20 rebuttal report, which is Exhibit 427?  
 21 MR. YALOWITZ: Objection. Ambiguous.  
 22 THE WITNESS: Is it possible to repeat the  
 23 question?  
 24 Q. BY MR. HILL: Of course. Other than the  
 25 document about clans and Islamic customs that you've

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1 A. I don't recall whether I talked about it  
 2 before or not. But I also wrote documents about  
 3 Arafat and his policy.  
 4 Q. Any other documents you wrote while you were  
 5 at the IDF that pertain to the opinions in your expert  
 6 rebuttal report, which is Exhibit 427, other than what  
 7 you've already told me about today?  
 8 A. I recall now that there is another document --  
 9 that there are other documents -- excuse me -- that  
 10 I did not write but that I approved, that deal with  
 11 the Palestinian clans and the Islamic customs that  
 12 are related to the clans.  
 13 Q. Let me finish with one question, and then  
 14 we'll switch to another one.  
 15 Sitting here today, can you think of any  
 16 other documents that you wrote while at the IDF that  
 17 pertain to the topics of your expert rebuttal report  
 18 that you haven't yet told me about?  
 19 A. No.  
 20 Q. Okay. And I'm correct that all of the  
 21 documents that we've discussed today that you wrote  
 22 while you were at the IDF are classified; right?  
 23 MR. YALOWITZ: Objection. Misstates the  
 24 testimony with regard to public source documents.  
 25 MR. HILL: I appreciate the objection. I'll

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1 just mentioned, had you reviewed any other documents  
 2 while you were working at the IDF that relate to the  
 3 subjects of your rebuttal report in this case, which  
 4 is Exhibit 427?  
 5 A. I reviewed documents that are related to this  
 6 exhibit at the time that I was engaged in military  
 7 service.  
 8 Q. And it's also true, sir, that you reviewed  
 9 documents related to what we've marked as Exhibit 420  
 10 while you were in military service; right?  
 11 A. Correct.  
 12 Q. And many of the documents that you reviewed  
 13 while you were in military service that relate to the  
 14 topics that are in Exhibit 420 are classified; right?  
 15 A. Correct.  
 16 Q. And, similarly, many of the documents that  
 17 you reviewed while you were in military service that  
 18 relate to the topics of your rebuttal report, which  
 19 is 427, are classified; right?  
 20 A. Correct.  
 21 Q. In your rebuttal report, which is 427, you  
 22 do reference a number of public source documents; right?  
 23 A. Correct.  
 24 Q. In connection with your work on Exhibit 427,  
 25 which is the rebuttal report, did you look at any public

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1 source materials that are not referenced in the rebuttal  
2 report?

3 A. It's possible.

4 Q. Sitting here today, can you identify for  
5 me any public source documents that you considered  
6 in connection with Exhibit 427, the rebuttal report,  
7 that are not listed or identified in the rebuttal  
8 report?

9 A. I recall now -- I remember now that I read  
10 sections from the book written by the former chief of  
11 staff Moshe Ya'alon. I didn't use them. I read them,  
12 and they're relevant to this report.

13 Q. Did you read anything else other than the  
14 book you've just described in preparing your rebuttal  
15 report, which is Exhibit 427, that's not disclosed in  
16 the rebuttal report itself?

17 A. The answer is "yes."

18 Q. Can you tell me what any of those additional  
19 documents that you reviewed in connection with preparing  
20 the rebuttal report but did not disclose in the rebuttal  
21 report are?

22 A. I read from the Internet site, the Fatah  
23 website, and on the website of the Palestinian  
24 Authority, and the websites of the Palestinian media.

25 Q. If I wanted to figure out which Web pages

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1 connection with preparing the rebuttal report, which  
2 is Exhibit 427, other than those that are cited in the  
3 report itself.

4 A. Are you referring to names of websites or  
5 to something else?

6 Q. Sir, I would like to go and look at all of  
7 the webpages you looked at in connection with your work  
8 on the rebuttal report in this case that you did not  
9 cite in the rebuttal report itself. So, if you can,  
10 please tell me, with as much information that you can,  
11 every website that you visited in connection with your  
12 work on the rebuttal report that's not cited in the  
13 rebuttal report itself.

14 A. I can state and specify websites of the  
15 official Palestinian newspapers, additional websites  
16 of the Fatah, websites of Palestinian media. And if  
17 I may, I'll take another look through this. And that's  
18 what I recall at the moment.

19 Q. Can you give me any more information about  
20 which websites you considered in connection with the  
21 rebuttal report but don't cite in the rebuttal report,  
22 beyond what you've told me so far today?

23 A. I don't recall additional websites at this  
24 moment.

25 MR. HILL: Why don't we take a break.

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1 in particular you looked at from those websites, is  
2 there any way for me to do that?

3 A. At the moment, I recall several websites.

4 Q. Okay. If I wanted to figure out what pages  
5 you looked at on the several websites you're currently  
6 recollecting, am I able to do that?

7 A. I don't recall pages.

8 Q. You didn't keep a list of the website pages  
9 that you viewed in connection with preparing the  
10 rebuttal report; correct?

11 A. Correct.

12 Q. You didn't take screen shots of those websites  
13 and save them in a computer file or anything like that,  
14 did you?

15 A. Correct.

16 Q. You would agree with me that there's no way  
17 to reconstruct exactly what websites you considered  
18 in connection with the rebuttal report that you did  
19 not cite in the rebuttal report; right?

20 MR. YALOWITZ: Objection. Misstates the  
21 testimony.

22 THE WITNESS: Part of the -- some of the  
23 websites I can mention, just as I mentioned them before.

24 Q. BY MR. HILL: Okay. Tell me to the best of  
25 your recollection every Web page that you viewed in

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1 MR. YALOWITZ: I was going to suggest it,  
2 but I didn't want to disrupt the line.

3 (Recess from 5:18 p.m. to 5:31 p.m.)

4 MR. HILL: Back on the record.

5 I don't have any further questions for  
6 Mr. Eviatar at this time.

7 MR. YALOWITZ: So I calculated 6 hours and  
8 17 minutes. So can we agree on payment of 6 and a  
9 half hours to Mr. Eviatar?

10 MR. HILL: I don't have the payment  
11 information. So you'll have to provide that to me.  
12 But I'll take care of it.

13 MR. YALOWITZ: Thank you.

14 MR. HILL: We're off the record.

15 (The deposition concluded at 5:34 p.m.)

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## CERTIFICATE OF REPORTER

I, AMY R. KATZ, RPR, do hereby certify:

That, prior to being examined, the witness named in the foregoing deposition was duly affirmed by me to testify the truth, the whole truth, and nothing but the truth;

That the foregoing deposition was taken before me at the time and place herein set forth, at which time the aforesaid proceedings were stenographically recorded by me and thereafter transcribed by me;

That the foregoing transcript, as typed, is a true record of the said proceedings;

And I further certify that I am not interested in the action.

Dated this 4th day of November, 2013.

\_\_\_\_\_  
AMY R. KATZ, RPR

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## ERRATA SHEET

Case: MARK I. SOKOLOW, et al. vs. THE PALESTINE  
LIBERATION ORGANIZATION, et al.

Date: OCTOBER 22, 2013

Witness: ALON EVIATAR

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\_\_\_\_\_  
ALON EVIATAR, Witness                      Date

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## CERTIFICATE OF WITNESS/DEPONENT

I, ALON EVIATAR, witness herein, do hereby certify and declare the within and foregoing transcription to be my examination under oath in said action taken on October 22, 2013, with the exception of the changes listed on the errata sheet, if any;

That I have read, corrected, and do hereby affix my signature under penalty of perjury to said examination under oath.

\_\_\_\_\_  
ALON EVIATAR, Witness                      Date

OCTOBER 22, 2013 - ALON EVIATAR